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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179274
Party	Plaintiff George V Eatertainment, S.A., by change of name from George V Restauration, S.A.
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Submission	Motion for Default Judgment
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Date	05/16/2011
Attachments	05.16.11 Motion for Default Judgment (91179274).pdf (3 pages)(17833 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GEORGE V. EATERTAINMENT, S.A.
(*f/k/a George V. Restauration, S.A.*)
Opposer

v.

JD EQUITIES CORP.
Applicant

Opposition: 91179274
Serial Nos. 77094776 and 77094755
Marks: BUDDABAR;
NY BUDDABAR

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Opposer hereby moves for Entry of Default Judgment against Applicant.

On February 14, 2011, Opposer moved for a Motion to Compel Discovery pursuant to Trademark Rule 2.120(e). On April 13, 2011, the Board issued an Order Granting the Motion to Compel Discovery and instructing as follows:

> "[A]pplicant is allowed **THIRTY DAYS** from the mailing date of this order to respond to opposer's outstanding first set of interrogatories and first request for production of document without objection." [emphasis in original].

Trademark Rule 2.120(g) states in relevant part:

> "If a party fails to comply with an order of the Trademark Trial and Appeal Board relating to disclosure or discovery…the Board may make any appropriate order, including those provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure, except that the Board will not hold any person in contempt or award expenses to any party."

Rule 37(b)(2)(A)(vi) of the Federal Rules of Civil Procedure provides "rendering a default judgment against the disobedient party" as an appropriate sanction in the event a party fails to obey a discovery order. Accordingly, it is proper for the Board, pursuant to

Trademark Rule 2.120(g) and Rule 37(b)(2)(A)(vi) of the Federal Rules of Civil Procedure to enter default judgment against Applicant for failing to comply with the Board's Order Granting Opposer's Motion to Compel.

WHEREFORE, Opposer requests that the Board enter default judgment against Applicant and in favor of Opposer.

/Joseph A. Lopez/ DATE: May 16, 2011

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **MOTION FOR ENTRY OF DEFAULT JUDGMENT** was served on Opposer on May 16, 2011

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