

ESTTA Tracking number: **ESTTA229425**

Filing date: **08/08/2008**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91184706  |
| Party                  | Plaintiff<br>Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation  |
| Correspondence Address | David J. Kera<br>Oblon, Spivak, McClelland, Maier, & Neustadt, P.C.<br>1940 Duke Street<br>Alexandria, VA 22314<br>UNITED STATES<br>tmdocket@oblon.com, dkera@oblon.com, obarrett@oblon.com |
| Submission             | Motion for Default Judgment   |
| Filer's Name           | David J. Kera   |
| Filer's e-mail         | tmdocket@oblon.com, dkera@oblon.com, obarrett@oblon.com   |
| Signature              | /David J. Kera/ojb/   |
| Date                   | 08/08/2008  |
| Attachments            | 213-321307US-mot.pdf ( 5 pages )(96974 bytes )  |

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

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| Toyota Jidosha Kabushiki Kaisha, | ) | Opposition No. 91/184,706           |
| t/a Toyota Motor Corporation,    | ) |                                     |
|                                  | ) | U. S. Appln. Serial No.: 77/244,053 |
| Opposer                          | ) | TOYOTA v. TOYOTA FORMS              |
|                                  | ) |                                     |
| v.                               | ) |                                     |
|                                  | ) |                                     |
| Kenny D. Breeding,               | ) | U. S. Appln. Serial No.: 77/244,043 |
|                                  | ) | TOYOTA v. TOYOTA KOHKI              |
| Applicant                        | ) |                                     |

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**OPPOSER’S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Opposer, Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation, hereby moves for the entry of Default Judgment against Kenny D. Breeding, Applicant, in Opposition No. 91/184,706.

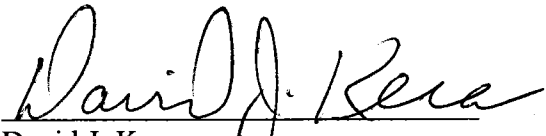
The Trial Order, which was mailed on June 18, 2008, set the due date for the Answer at July 28, 2008.

Applicant has not filed or served an Answer to the Notice of Opposition. Opposer attaches as Exhibit 1 a copy of the TTABVUE page for Opposition No. 91/184,706, which was printed on August 8, 2008. The docket sheet shows that no answer has been

received by the Trademark Trial and Appeal Board.

Respectfully submitted,

Toyota Jidosha Kabushiki Kaisha,  
t/a Toyota Motor Corporation

By:   
David J. Kera  
Oblon, Spivak, McClelland,  
Maier, & Neustadt, P.C.  
1940 Duke Street  
Alexandria, Virginia 22314  
(703) 413-3000  
fax: (703) 413-2220  
email: [tmocket@oblon.com](mailto:tmocket@oblon.com)

Date: August 8, 2008

DJK/ojb {I:\ATTY\DJK\213-321307US-MOT.DOC}

# **EXHIBIT 1**



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.4

## Opposition

**Number:** 91184706**Filing Date:** 06/18/2008**Status:** Pending**Status Date:** 06/18/2008**Interlocutory Attorney:** ROBERT COGGINS

### Defendant

**Name:** Breeding, Kenny D.**Correspondence:** MARK CROSSLEY  
CROSSLEY PATENT LAW  
400 S 3RD ST  
MONTROSE, CO 81401-4204  
markacrossley@yahoo.com**Serial #:** 77244043[Application File](#)**Application Status:** Opposition Pending**Mark:** TOYOTA KOHKI**Serial #:** 77244053[Application File](#)**Application Status:** Opposition Pending**Mark:** TOYOTA FORMS

### Plaintiff

**Name:** Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation**Correspondence:** David J. Kera  
Oblon, Spivak, McClelland, Maier, & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314  
tmDocket@oblon.com, dkera@oblon.com, obarrett@oblon.com**Serial #:** 73419516[Application File](#)**Registration #:** 1274261**Application Status:** Renewed**Mark:** TOYOTA**Serial #:** 72273449[Application File](#)**Registration #:** 843138**Application Status:** Renewed**Mark:** TOYOTA

### Prosecution History

| # | Date       | History Text                                    | Due Date   |
|---|------------|---|------------|
| 3 | 06/18/2008 | PENDING, INSTITUTED                             |            |
| 2 | 06/18/2008 | <u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u> | 07/28/2008 |
| 1 | 06/18/2008 | <u>FILED AND FEE</u>                            |            |

Results as of 08/08/2008 11:39 AM

Search: [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSER'S MOTION FOR ENTRY OF DEFAULT JUDGMENT** was served on counsel for Applicant, this 8<sup>th</sup> day of August, 2008, by sending via First Class mail, postage prepaid to,

Mark Crossley, Esquire  
Crossley Patent Law  
400 South Third Street  
Montrose, Colorado 81401-4204

D. Jean Barrett