

ESTTA Tracking number: **ESTTA240498**

Filing date: **10/03/2008**

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

Proceeding	91184868
Party	Plaintiff CKY Brands, LLC
Correspondence Address	Jonathan Rubens Bullivant Houser Bailey PC 601 California Street, Suite 1800 San Francisco, CA 94108 UNITED STATES jonathan.rubens@bullivant.com, sunita.koneru@bullivant.com
Submission	Motion for Default Judgment
Filer's Name	Jonathan Rubens
Filer's e-mail	sunita.koneru@bullivant.com, jon.rubens@bullivant.com
Signature	/Jonathan Rubens/
Date	10/03/2008
Attachments	Motion for Default Judgment.pdf (4 pages)(149056 bytes)

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

4
5 In re the Matter of:

Opposition No. **91184868**

6 **SERIAL NO. 79044530**
7 **FOR THE MARK "C. STRAITS CAFE"**
8 **PUBLISHED 2/26/2008**

**MOTION AND DECLARATION FOR
DEFAULT JUDGMENT**

9 CKY BRANDS, LLC,

Opposer,

10 v.

11 JIN MEIYANG,

12 Applicant.

13
14 **I. MOTION**

15 CKY Brands, LLC (herein "Opposer" or "CKY Brands"), by and through its attorney of
16 record, hereby motions the Board for entry of Default Judgment against Applicant, Jin Meiyang.
17 This motion is made pursuant to 37 CFR §2.106(a) and Fed. R. Civ. P. 55 and TBMP rule 312.

18 Opposer filed a Notice of Opposition on June 25, 2008. The Notice of Opposition has
19 been served on Applicant. The deadline for Applicant to file an Answer (after a stipulated
20 extension of time) was September 5, 2008.

21 Applicant has failed to file an Answer and is in default. Opposer is entitled to Default
22 Judgment. The Opposer respectfully requests the Board to issue and enter a default judgment
23 sustaining the opposition and declaring that Applicant's application, Serial No. 79044530, is
24 denied.

25 **II. DECLARATION**

26 I, Jonathan Rubens, declare under penalty of perjury that I am over eighteen years of age
27 and the following is true and correct:

28 CKY Brands, LLC filed a Notice of Opposition with the Board on June 25, 2008. That

1 same day, a true and correct copy of the Notice of Opposition was sent via U.S. First Class mail
2 and via Overnight Courier to the address listed for Applicant and to the address listed for
3 Correspondent. On July 29, 2008, Counsel for Applicant contacted me requesting an extension
4 of time to file an answer which I stipulated to. On July 30, 2008, the Board granted Applicant
5 until September 5, 2008 to answer.

6 CKY Brands has not received an Answer nor has an Answer been filed.

7 CKY Brands is seeking the relief requested in its Notice of Opposition. Namely, a
8 judgment declaring that the Application with the serial number 79044530 be denied, that no
9 registration be issued thereon, and that this Opposition be sustained in favor of CKY Brands.

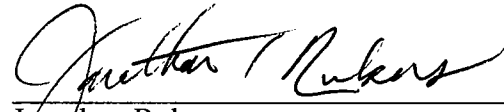
10 **III. PROPOSED ORDER**

11 A proposed order is herby attached.

12 DATED: October 3, 2008

13 Respectfully submitted,

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16
17 By



Jonathan Rubens
Bullivant Houser Bailey, PC
601 California Street, Suite 18
San Francisco, CA 94108
Attorneys for Opposer CKY Brands, LLC

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

In re the Matter of:
**SERIAL NO. 79044530
FOR THE MARK "C. STRAITS CAFE"
PUBLISHED 2/26/2008**

Opposition No. **91184868**
**[Proposed Order]
DEFAULT JUDGMENT**

CKY BRANDS, LLC,
Opposer,
v.
JIN MEIYANG,
Applicant.

THIS MATTER, having been brought upon Opposer's motion for entry of default judgment against Applicant, Jin Meiyang, and the Board having reviewed Opposer's Declaration and the record files contained herein, and the Board being fully advised, it is hereby

ORDERED, JUDGED AND DECREED, that the Applicant, Jin Meiyang, is in default for failure to Answer the Notice of Opposition. It is further ordered, that registration of the term "C. STRAITS CAFE" in application Serial No. 79044530 to describe "Cafes; canteen services; snack-bars; self-service restaurants; teahouses; cocktail lounge services; rental of meeting rooms; rental of chairs, tables, table linen, glassware" is denied. The Opposition is sustained.

DONE this _____ day of October, 2008.

BY: _____
Judge

BY: _____
Judge

BY: _____
Judge

Trademark Trial and Appeal Board Panel Judges

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CERTIFICATE OF SERVICE

I am employed in the City and County of San Francisco by the law firm of Bullivant Houser Bailey ("the business"), 601 California Street, Suite 1800, San Francisco, CA 94108. I am over the age of 18 and not a party to this action. On October 3, 2008, I served the document(s) entitled:

Motion And Declaration For Default Judgment and [Proposed Order]

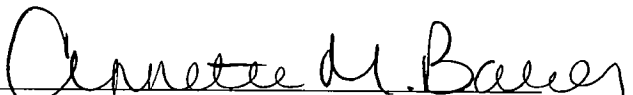
upon the following:

John Alunit, Esq.
Patel & Alunit PC
16830 Ventura Blvd., Suite 360
Encino, CA 91436
Tel: (818) 380-1900
Fax: (818) 380-1908

BY MAIL: I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing with the United States Postal Service. I placed a true and correct copy(ies) of the above-titled document(s) in an envelope(s) addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelope(s) and placed it(them) for collection and mailing by the United States Postal Service in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with the United States Postal Service on the same day.

BY OVERNIGHT DELIVERY: I am readily familiar with the ordinary practice of the business with respect to the collection and processing of correspondence for mailing by Express Mail and other carriers providing for overnight delivery. I placed a true and correct copy(ies) of the above-titled document(s) in an envelope(s) addressed as above, with first class postage thereon fully prepaid. I sealed the aforesaid envelope(s) and placed it(them) for collection and mailing by Express Mail or other carrier for overnight delivery in accordance with the ordinary practice of the business. Correspondence so placed is ordinarily deposited by the business with Express Mail or other carrier on the same day.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 3, 2008 at San Francisco, California.


Annette M. Bauer