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

Proceeding	91187381
Party	Defendant Rodeo Equities Inc.
Correspondence Address	Rakesh M. Amin Amin Hallihan, LLC 444 N. Orleans Street, Suite 400 Chicago, IL 606054 UNITED STATES ryan@amintalati.com
Submission	Motion for Default Judgment
Filer's Name	Ryan M. Kaiser
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Signature	/s/ Ryan M. Kaiser
Date	03/30/2010
Attachments	03.30.10 - Motion for Default.pdf (4 pages)(27444 bytes)

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

_____)	
SHAN O'SHAY NUTRACEUTICALS, LLC,)	
Opposer,)	
)	
v.)	Opposition No. 91,187,381
)	Application Serial No. 78/837,003
RODEO EQUITIES, INC.)	
Applicant,)	
_____)	

APPLICANT'S MOTION FOR DEFAULT JUDGMENT

Applicant hereby moves for entry of default against Opposer and dismissal of the current action due to Opposer's failure to respond to the Board's Order to Show Cause.

BACKGROUND FACTS

Opposer filed the current action over two years ago, on November 5, 2008. Since the case's inception, Opposer's counsel has stipulated to, and filed for, numerous extensions in order to explore settlement. Without warning, Opposer's attorney filed a request to withdraw as counsel on October 28, 2009. Applicant filed its Answer and affirmative defenses on November 16, 2009.

On December 22, 2009, the Board suspended proceedings and provided Opposer thirty (30) days in which to appoint new counsel, or file a paper stating that Opposer chooses to represent itself. The Board further instructed that, "[i]f Opposer files no response, the Board may issue an Order to show cause why default judgment should not be entered against Opposer based on Opposer's apparent loss of interest in the case." *Board Order* [Doc. No. 15], Dec. 22, 2009. Opposer failed to respond.

On February 16, 2010, the Board issued an Order to Show Cause, providing Opposer thirty (30) days to show cause why default should not be entered for its failure to respond and

apparent loss of interest in this case. *Board Order* [Doc. No. 17], Feb. 16, 2010. Over forty (40) days have now passed since the Board's Order to Show Cause, and Opposer has not responded.

ARGUMENT

A judgment should be entered dismissing this opposition due to Opposer's failure to respond to multiple Orders, including the Board's most recent Order to Show Cause. This case has been pending for nearly two and a half years with no substantive progress. Opposer's attorney withdrew from the case nearly six months ago. Since then, Opposer has repeatedly refused to respond to the Board's Orders. The Board's latest Order to Show Cause required Opposer to come forward and explain why default should not be entered. The Board expressly warned that failing to respond would result in entry of default and dismissal of this action. Forty-two days have passed, and Opposer has yet to respond.

In light of Opposer's failure to respond to the Board's latest Order, its apparent loss of interest in this case, and the prejudice caused to Applicant by the continued delay of these proceedings, Applicant respectfully requests that the Board issue an Order of Default, and dismiss these proceedings with prejudice.

Dated: March 30, 2010

Respectfully Submitted,

/s/ Ryan M. Kaiser
Rakesh M. Amin
Ryan M. Kaiser
Attorneys for Applicant
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CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to the within action; my business address is Amin Talati, LLC, 444 N. Orleans Street, Suite 400, Chicago, IL 60610. On **March 30, 2010**, a copy of the attached **MOTION FOR DEFAULT** was served on all interested parties in this action via U.S. Mail, postage prepaid, at the addresses as follows:

To: Shan O'Shay Nutraceuticals, LLC.
 25951 Wax Road
 Denham Springs, LA 70726

Executed on **March 30, 2010**, at Chicago, Illinois. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of Amin Talati, LLC at whose direction service was made.

/Ryan M. Kaiser/ _____
Ryan M. Kaiser

CERTIFICATE OF TRANSMISSION

I hereby certify that this Motion is being electronically transmitted to the United States Trademark Trial and Appeal Board on March 30, 2010.

Executed on **March 30, 2010**, at Chicago, Illinois. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of Amin Talati, LLC at whose direction service was made.

/Ryan M. Kaiser/ _____
Ryan M. Kaiser