

ESTTA Tracking number: **ESTTA316273**

Filing date: **11/11/2009**

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

Proceeding	91192057
Party	Plaintiff Sheetz of Delaware, Inc.
Correspondence Address	Roberta Jacobs-Meadway Eckert Seamans Cherin & Mellott, LLC 50 South 16th Street, 22nd Floor Philadelphia, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, smcconnell@eckertseamans.com
Submission	Motion for Default Judgment
Filer's Name	Roberta Jacobs-Meadway
Filer's e-mail	rjacobsmeadway@eckertseamans.com, smcconnell@eckertseamans.com
Signature	/Roberta Jacobs-Meadway/
Date	11/11/2009
Attachments	MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER (M0772198).PDF (3 pages)(66607 bytes)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS - <http://esta.uspto.gov/filing-type.jsp>

By:

DATE

[Handwritten Signature]
11-11-09

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

SHEETZ OF DELAWARE, INC,

Opposer,

v.

CUP-A-CCINO, LLC

Applicant.

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:
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:
:
: Opposition No. 91,192,057
: Serial No. 77/515,621
:
:
:

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

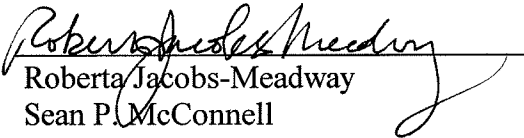
Opposer hereby respectfully moves for entry of Default against the Applicant, Cup-A-Ccino, LLC, for failure to file an answer in the above-referenced Opposition proceeding.

Applicant's answer to the Notice of Opposition was due on November 4, 2009. To date, Opposer has not been served with an answer, nor does an answer appear to have been filed based on the Trademark Trial and Appeal Board's online docket database.

WHEREFORE, Opposer respectfully requests that Notice of Default be entered against Application No. 77/515,621.

Respectfully submitted,

Dated: November 11, 2009

By: 
Roberta Jacobs-Meadway
Sean P. McConnell
ECKERT SEAMANS CHERIN & MELLOTT,
LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19103
(215) 851-8522

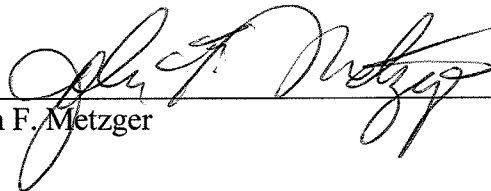
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Motion for Default Judgment for Failure to Answer was served on correspondent for the Applicant on the dated listed below via U.S. Mail:

C. Christopher Clark
Tillman Wright, PLLC
7400 Carmel Executive Park Drive
Suite 120
Charlotte, NC 28226-6148

Dated: 11-11-09

By: 
John F. Metzger