

ESTTA Tracking number: **ESTTA510468**

Filing date: **12/12/2012**

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

| | |
|------------------------|---|
| Proceeding | 91207524 |
| Party | Plaintiff Scrip, Inc. |
| Correspondence Address | KRISTIN J ACHTERHOF c/o KATTEN MUCHIN ROSENMAN LLP 525 W MONROE ST CHICAGO, IL 60661 UNITED STATES kristin.achterhof@kattenlaw.com, breighanne.eggert@kattenlaw.com, deborah.wing@kattenlaw.com |
| Submission | Motion for Default Judgment |
| Filer's Name | Breighanne A. Eggert |
| Filer's e-mail | kristin.achterhof@kattenlaw.com, breighanne.eggert@kattenlaw.com, deborah.wing@kattenlaw.com |
| Signature | /bae/ |
| Date | 12/12/2012 |
| Attachments | LOTUS_TOUCH_FINAL Motion for Default Judgment.pdf (2 pages)(8932 bytes) LOTUS_TOUCH_CERTIFICATE_50767176_1.pdf (1 page)(6988 bytes) |

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

Applicant: Judith Kavanaugh
Serial No.: 85/517,641
Filing Date: January 17, 2012
Mark: LOTUS TOUCH

Published in the Official Gazette on June 19, 2012

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|-------------------|---|-------------------------|
| SCRIP, INC., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| vs. |) | Opposition No. 91207524 |
| |) | |
| JUDITH KAVANAUGH, |) | |
| |) | |
| Applicant. |) | |

MOTION FOR DEFAULT JUDGMENT

Opposer, Scrip, Inc. (“Opposer”), for its Motion for Default Judgment against Applicant, Judith Kavanaugh (“Applicant”), states as follows:

1. On October 17, 2012, Opposer filed a Notice of Opposition in this matter, requesting that Applicant’s mark LOTUS TOUCH, serial number 85/517,641, be refused registration.
2. Also on October 17, 2012, the Trademark Trial and Appeal Board (“Board”) issued an order instituting Opposition No. 91207524 and setting Applicant’s time to answer as November 26, 2012.
3. Applicant did not file an answer on or before November 26, 2012.
4. On November 27, 2012, Applicant’s attorney filed Request to Withdraw as Attorney (“Request to Withdraw”). The Request to Withdraw states that “[o]n several occasions [Applicant’s attorney] has communicated to the client the seriousness of the matter and the respective due date for which the opposition response must be submitted.”

5. To date, Applicant has yet to file an answer.

WHEREFORE, pursuant to Rules 312.01 and 508 of the Trademark Trial and Appeal Board Manual of Procedure, Applicant respectfully requests that the Board enter a default judgment against Applicant.

Dated: December 12, 2012

Respectfully submitted,

/Kristin J. Achterhof/
One of the attorneys for Opposer

Kristin J. Achterhof
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(312) 902-5391

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

| | | |
|------------------|---|-------------------------|
| In The Matter Of |) | |
| |) | |
| SCRIP, INC |) | |
| |) | |
| Opposer, |) | |
| |) | Serial No.: 85/517,641 |
| |) | Opposition No. 91207524 |
| v. |) | |
| |) | |
| JUDITH KAVANAUGH |) | |
| |) | |
| Applicant. |) | |

CERTIFICATE OF SERVICE

I hereby certify that the attached Motion For Default Judgment was served upon Applicant and her present counsel of record via U. S. mail on this 12th day of December 2012 :

Counsel of Record: Raj Abhyanker c/o Raj Abhyanker, P.C., 1580 W El Camino Real, Ste. 8, Mountain View, CA 94040-2462

Applicant: Judith Kavanaugh, 4621 Birch Tree Lane NW, Gig Harbor, Washington 98335.

 /DAW/
Deborah A. Wing, Paralegal