

ESTTA Tracking number: **ESTTA658213**

Filing date: **02/26/2015**

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

Proceeding	91218797
Party	Plaintiff Dow AgroSciences LLC
Correspondence Address	JULIA SPOOR GARD BARNES & THORNBURG LLC 11 SOUTH MERIDIAN STREET INDIANAPOLIS, IN 46204-3535 UNITED STATES JGARD@BTLAW.COM, fagustm@dow.com
Submission	Motion for Default Judgment
Filer's Name	Julia Spoor Gard
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Date	02/26/2015
Attachments	86200592.pdf(122473 bytes)

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

Dow AgroSciences, LLC)	
)	In the matter of trademark application
Opposer,)	Serial No. 86/200592;
)	Published in the Official Gazette August 19, 2014
)	
v.)	
)	
)	
Cheminova A/S)	
)	
Applicant.)	

**MOTION FOR DEFAULT JUDGMENT
PURSUANT TO 37 C.F.R. § 2.106(a) AND T.B.M.P. § 312.01**

Opposer, Dow AgroSciences, LLC, pursuant to 37 C.F.R. § 2.106(a) and the Trademark Trial and Appeal Board Manual of Procedure § 312.01, moves for default judgment against Applicant Cheminova A/S due to Applicant's failure to file an Answer to the Notice of Opposition within the time set by the Board.

THE BASIS FOR DEFAULT JUDGMENT

After a Notice of Opposition has been filed, the Trademark Trial and Appeal Board ("the Board") notifies the Applicant of the time within which an answer must be filed. *See* 37 C.F.R. § 2.106; T.B.M.P. §312.01. If the Applicant does not file an answer, or a request for an extension of time to answer, within the time set by the Board, the proceeding may be decided as in case of default. *Id.*

Opposer filed and served its Notice of Opposition on October 13, 2014. On October 13, 2014 the Board emailed notice to Applicant of the filing of the Notice of Opposition and of the November 22, 2014 deadline to file an Answer.

On November 13, 2014, Applicant's Attorney of Record contacted the undersigned to request Opposer's consent to extend the deadline for Applicant to file its Answer to December 22, 2014. Opposer granted this consent.

On November 18, 2014, Applicant's current Attorney of Record filed and served a Revocation and Substitute Power of Attorney in the present opposition.

On December 15, 2014, Applicant's current Attorney of Record made a settlement offer to Opposer, and on December 17, 2014, Applicant's counsel requested Opposer's consent to extend the deadline for Applicant's to January 21, 2014. Opposer granted this consent.

On January 12, 2015 Applicant's counsel contacted the undersigned to ascertain the status of the settlement offer. Upon information and believe, Applicant's counsel was aware of the January 21, 2015 to file the Answer, but did not request a further extension of the deadline.

On January 16, 2015, Opposer declined Applicant's settlement offer and indicated its intention to proceed with the Opposition. Applicant's counsel did not request a further extension of the January 21, 2015 deadline to Answer the Opposition.

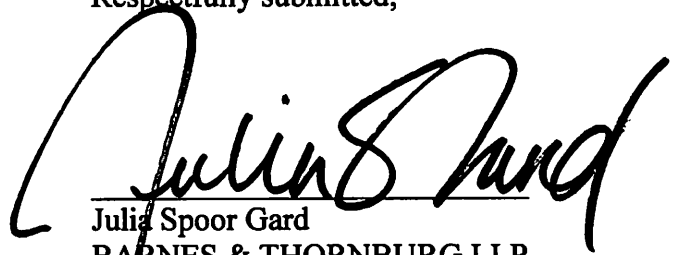
As of the date of this Motion, Applicant has not filed and served an Answer to the Notice of Opposition or requested a further extension of time to answer the Notice of Opposition.

Accordingly, the Board should conclude that the Applicant has no intention of responding to Opposer's Notice of Opposition, and has no intention of participating in this proceeding.

CONCLUSION

Accordingly, the Board should enter judgment against the Applicant and refuse registration of Applicant's SUCCESSOR trademark.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julia Spoor Gard". The signature is written in a cursive, flowing style with a large initial "J".

Julia Spoor Gard
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204-3535
Attorneys for Opposer
Dow AgroSciences, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **Opposer's Motion For Default Judgment** has been served February 26, 2015 by depositing a copy of the same in the United States certified mail and first class postage prepaid and properly addressed to the Applicant's address of record:

Leigh Ann Lindquist
Sughrue Mion Plc
2100 Pennsylvania Ave NW
Washington, De 10020
United States



Julia Spoor Gard