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Filing date: **12/03/2014**

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

Proceeding	91218838
Party	Plaintiff InSleep Technologies, LLC
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Submission	Motion for Default Judgment
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Date	12/03/2014
Attachments	Motion for Default Judgment.pdf(154001 bytes)

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

InSleep Technologies, LLC)	
)	
Opposer,)	
)	Appl. No. 85886958
v.)	
)	Opposition No. 91218838
Zinus Inc.)	
)	
Applicant.)	

MOTION FOR DEFAULT JUDGMENT

Opposer, InSleep Technologies, LLC (hereinafter “Opposer”), by and through its undersigned attorneys, hereby files this Motion for Default Judgment against applicant, Zinus Inc. (hereinafter “Applicant”), which has failed to answer or otherwise appear in this proceeding.

If no answer is filed within the time set by the Board, the opposition may be decided as in case of default. 37 CFR § 2.106(a). The standard for determining whether default judgment should be entered against the defendant for its failure to file a timely answer to the complaint is the Fed. R. Civ. P. 55(c) standard, that is, whether the defendant has shown good cause why default judgment should not be entered against it. TBMP § 312.01. If no response is made by the defendant to the motion for default (or notice of default issued by the Board), the Board may treat the motion as conceded. 37 CFR § 2.127(a).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion For Default Judgment has been served on Applicant, Zinus Inc., at the address of record, 30799 Wiegman Road, Hayward, CA 94544, via overnight courier, today, December 3, 2014.

By: /Kevin P. Crosby/

Kevin P. Crosby