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

Proceeding	91219208
Party	Plaintiff Illumina Inc.
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Submission	Motion for Default Judgment
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Date	12/17/2014
Attachments	ILLUMISCULPT Motion for Default Judgment.pdf(83149 bytes )

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

In the matter of Application Serial No. 86/198,139  
Filed on February 19, 2014  
For the Mark **ILLUMISCULPT**  
Published in the *Official Gazette* on July 8, 2014

ILLUMINA, INC.,

Opposer,

v.

ILLUMISCULPT LLC,

Applicant.

Opposition No. 91219208

**MOTION FOR DEFAULT JUDGMENT**

Illumina, Inc. (hereinafter "Opposer") hereby moves for the entry of default judgment against Illumisculpt LLC (hereinafter "Applicant") for Applicant's failure to timely answer Opposer's Notice of Opposition, filed on November 5, 2014. The Trademark and Trial and Appeal Board (the "Board") issued an order (the "Scheduling Order") on November 5, 2014, giving Applicant notice of the Opposition and setting forth a due date of 40 days after the date of issuance of the Scheduling Order for Applicant to Answer the Opposition (i.e., December 15, 2014). Applicant did not timely file either an Answer to the Opposition, or a request for an extension of the Answer deadline, on or before December 15, 2014. Indeed, counsel for

Applicant has informed counsel for Opposer that Applicant does not intend to file an Answer in this proceeding.

Trademark Rule of Practice 2.114(a) provides that “[i]f no answer is filed within the time set, the petition may be decided as in case of default.” 37 C.F.R. § 2.114(a). Accordingly, Opposer moves the Board to issue a Default Judgment in this Opposition, denying registration of Application Serial No. 86/198,139 with prejudice.

Respectfully submitted,

Date: December 17, 2014

/s/ Lisa M. Martens

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Counsel for Opposer,  
Illumina, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and complete copy of the foregoing MOTION FOR DEFAULT JUDGMENT has been served this 17<sup>th</sup> day of December, 2014, by First Class U.S. Mail, postage prepaid, upon Applicant Illumisculpt LLC's attorney of record at the following address:

Joshua S. Schoonover  
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P.O. Box 131299  
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/s/ April R. Morris  
April R. Morris