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

Proceeding	91219612
Party	Plaintiff Indonesian Imports, Inc.
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Submission	Motion for Default Judgment
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Date	01/20/2015
Attachments	S_A_C_Motion_for_Default_Judgment.pdf(107704 bytes)

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

**In the matter of Application Serial No. 86/217,857
Published in the *Official Gazette* on August 5, 2014
Mark: S.A.C**

Indonesian Imports, Inc.,

Opposer,

v.

Fly Merchandise Enterprises, LLC,

Applicant.

OPPOSITION NO. 91219612

MOTION FOR DEFAULT JUDGMENT

Indonesian Imports, Inc., (“Opposer”), by and through its undersigned counsel, hereby moves for default judgment against Fly Merchandise Enterprises, LLC, (“Applicant”) in the above-captioned matter, pursuant to Fed. R. Civ. P. 55(c) and TBMP §§ 312, 508, on the ground that Applicant has failed to file an Answer to Opposer’s Notice of Opposition, which was due on January 12, 2015. In support of its Motion, Opposer states as follows:

1. On March 11, 2014, Applicant filed Application Serial No. 86/217,857 to register the mark S.A.C for “Baseball caps; Belts for clothing; Boxer briefs; Briefs; Bucket caps; Caps; Cargo pants; Coats; Collared shirts; Crew necks; Denim jackets; Footwear; Graphic T-shirts; Hats; Hooded pullovers; Hooded sweatshirts; Jackets; Jeans; Jogging suits;

Knitted caps; Knitted gloves; Men's underwear; Polo knit tops; Shirts and short-sleeved shirts; T-shirts; Tank-tops; Track suits” in International Class 25 (the “Application”).

2. On August 5, 2014, the Application was published for opposition.

3. Opposer obtained the necessary extensions of time in which to file its Notice of Opposition, and on December 3, 2014, Opposer filed a timely Notice of Opposition to the Application and served the Notice of Opposition on Applicant via U.S. Mail to the correspondence address of record stated in the Application.

4. Pursuant to the Board’s scheduling order of December 3, 2014, Applicant’s Answer was due by January 12, 2015. Applicant did not file an Answer on or before the January 12, 2015 deadline, and has not filed an Answer or any other document in this proceeding as of the date of this filing.

5. As more fully pleaded in Opposer’s Notice of Opposition, the maturation of Applicant’s S.A.C application into registration will cause a likelihood of confusion, mistake or deception with respect to the source or origin of Applicant’s goods. Consumers will erroneously believe that Applicant’s goods are licensed by or associated with Opposer. In addition, Applicant’s S.A.C mark is likely to dilute Opposer’s THE SAK and SAK-formative trademarks.

6. By failing to file an Answer or otherwise respond to the Opposition, Applicant has effectively admitted the truth of the allegations in Opposer’s Notice of Opposition. *See* J. Thomas McCarthy, 3 McCarthy on Trademarks and Unfair Competition § 20:130 (4th ed. 2012). As such, Opposer is entitled to judgment in its favor.

WHEREFORE, Opposer prays that default judgment be entered against Applicant, that this Opposition be sustained, and that registration to Applicant for S.A.C in Application Serial No. 86/217,857 for the goods identified in International Class 25 be denied.

Respectfully submitted,

Dated: January 20, 2015

/Jocelyn M. Belloni/
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Indonesian Imports, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR DEFAULT JUDGMENT** has been properly served, via U.S. Mail, on the following correspondent for Applicant on this 20th day of January, 2015.

FLY MERCHANDISE ENTERPRISES, LLC
890 METROPOLITAN PKWY SW
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Maxine Hinds