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Filing date: **06/02/2016**

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

Proceeding	91227315
Party	Plaintiff Indonesian Imports, Inc.
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Submission	Motion for Default Judgment
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Date	06/02/2016
Attachments	SAK UP Motion for Default Judgment.pdf(239151 bytes)

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

**In the matter of Application Serial No. 86/699,094
Published in the *Official Gazette* on December 8, 2015
Mark: SAK UP**

Indonesian Imports, Inc.,

Opposer,

OPPOSITION NO. 91227315

v.

Greg Schneider,

Applicant.

MOTION FOR DEFAULT JUDGMENT

Indonesian Imports, Inc., (“Opposer”), by and through its undersigned counsel, hereby moves for default judgment against Greg Schneider (“Applicant”) in the above-captioned matter, pursuant to Fed. R. Civ. P. 55(c) and TBMP §§ 312.01 and 508, on the ground that Applicant has failed to file an Answer to Opposer’s Notice of Opposition, which was due on May 22, 2016. In support of its Motion, Opposer states as follows:

1. On July 21, 2015, Applicant filed Application Serial No. 86/699,094 to register the mark SAK UP for “tops, bottoms, headwear, and footwear; Shirts; Hats and caps” in International Class 25 (the “Application”).
2. On December 8, 2015, the Application was published for opposition.
3. Opposer obtained the necessary extensions of time in which to file its Notice of Opposition, and on April 5, 2016, 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 April 12, 2016, Applicant's Answer was due by May 22, 2016. Applicant did not file an Answer on or before the May 22, 2016 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 SAK UP 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 SAK UP 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 SAK UP in Application Serial No. 86/699,094 for the goods identified in International Class 25 be denied.

Respectfully submitted,

Dated: June 2, 2016

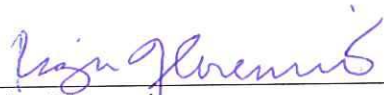
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Attorneys for Opposer
Indonesian Imports, Inc.

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 2nd day of June, 2016.

GREG SCHNEIDER
2591 Sacramento Dr.
Redding, California 96001



Riza Florencio