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Filing date: **07/23/2018**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91241696   |
| Party                  | Plaintiff<br>C. C. Filson Co.  |
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| Submission             | Motion for Default Judgment  |
| Filer's Name           | Erin S. Hennessy   |
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| Signature              | /Erin S. Hennessy/   |
| Date                   | 07/23/2018   |
| Attachments            | FINON - Motion for Default Judgment.pdf(15894 bytes )  |

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

C. C. FILSON CO.,  
Opposer,

vs.

CAO XIAORAN, AN INDIVIDUAL,  
Applicant.

Opposition No.: 91241696

Application Serial No.: 87/706,372

Mark: FINON

International Class: 18

Filed: December 4, 2017

Publication date: May 1, 2018

**MOTION FOR DEFAULT JUDGMENT**

Opposer, C. C. Filson Co. (“Filson”) hereby moves for the entry of default judgment against Cao Xiaoran (“Applicant”) for Applicant’s failure to timely answer Filson’s Notice of Opposition (“Opposition”), filed on May 30, 2018. On June 9, 2018, the Trademark Trial and Appeal Board (“Board”) issued a scheduling order giving Applicant notice of the Opposition and setting forth a due date of July 19, 2018 for Applicant to answer the Opposition. Applicant did not timely file an answer to the Opposition, or request to extend the deadline to file its answer, on or before July 19, 2018.

The Board may enter default judgment against an applicant who fails to answer a notice of opposition within the prescribed time period. 37 C.F.R. § 2.106(a); TBMP §312.01. The opposer may also raise the issue of whether default judgment should be entered against an applicant in an opposition proceeding by way of a motion for default judgment. TBMP §508 (“[T]he plaintiff, realizing that the defendant is in default, may file a motion for default judgment.”); *see also* TBMP § 312.01 (citing *DeLorme Pub. co. v. Eartha’s Inc.*, 60 U.S.P.Q.2d 1222 (TTAB 2000)). The filing of a motion for default judgment “may serve as a substitute for the Board’s issuance of a notice of default.” TBMP § 508.

In the present case, Filson filed its Notice of Opposition on May 30, 2018, and the Board served its scheduling order on June 9, 2018. Applicant, to date, has not filed an

answer to the Opposition or requested an extension of time, and Applicant's July 19, 2018 deadline to file such answer to the Opposition or to request an extension of time has since passed. Accordingly, Filson moves the Board to issue a Default Judgment in this Opposition, denying registration of Application Serial No. 87/706,372 with prejudice if Applicant fails to file a timely response to this Motion for Default Judgment. TBMP §508; *see also* FED. R. CIV. P. 55(b).

DATED this 23rd day of July, 2018.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this MOTION FOR DEFAULT JUDGMENT was served upon Applicant's counsel, Thomas Caraco and Anita Mar, by email directed to:

thomas@witmart.com  
anita.mar@witmart.com

/Erin S. Hennessy/  
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