

ESTTA Tracking number: **ESTTA952882**

Filing date: **02/07/2019**

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

Proceeding	91245513
Party	Plaintiff Cyclame S.a.r.l.
Correspondence Address	Allen J. Baden Edge Law Group 100 Los Gatos Saratoga Rd Ste. B Los Gatos, CA 95032 UNITED STATES docket@edgelawgroup.com 6504608050
Submission	Motion for Default Judgment
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Date	02/07/2019
Attachments	Motion for Default Cyclame ATX Latitude 2019-02-07.pdf(652485 bytes)

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

Cyclame S.a.r.l.,)	
)	Opposition No. 91245513
Opposer,)	
)	Mark: ATX
v.)	
)	Application No. 87873394
Latitude Beverage Company,)	
)	Filed: April 11, 2018
Applicant.)	

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER

Pursuant to 37 CFR § 2.106(a), Federal Rule of Civil Procedure 55 and the Trademark Trial and Appeal Board Manual of Procedure § 508, Opposer Cyclame S.a.r.l. ("Opposer") moves the Trademark Trial and Appeal Board (the "Board") to issue a notice of default judgment against Applicant Latitude Beverage Company ("Applicant") for its failure to timely file an Answer under the Board's December 27, 2018 order initiating the proceeding and setting trial dates (the "Order").

As grounds for this Motion, Opposer avers:

1. On December 26, 2018, Opposer caused to be mailed a copy of the Notice of Opposition to Applicant by U.S. Mail, postage prepaid.
2. Pursuant to the Order, Applicant's Answer to the Notice of Opposition was due February 5, 2019.
3. As of today, February 7, 2019, there is no record of Applicant having filed an Answer with the Board, nor has Applicant served a copy of an Answer upon Opposer or its counsel.
4. The undersigned counsel for Opposer has sought to contact Applicant several times by telephone and email to remind him of his obligation to file an Answer, a copy of the email communication attached as Exhibit A to this Motion.

5. Because Applicant has failed to timely respond to the Notice of Opposition, Opposer respectfully requests the Board issue a notice of default judgment, sustaining Opposer's opposition to registration of the alleged ATX mark claimed in Serial No. 87873394 for "wines," in International Class 33.

Dated: February 7, 2019

By: 

Allen J. Baden
Edge Law Group
100 Los Gatos Saratoga Road., Ste B
Los Gatos, CA 95032
650-460-8050 Telephone
650-460-8060 Fax
abaden@edgelawgroup.com

Attorneys for Opposer Cyclame S.a.r.l.

CERTIFICATE OF SERVICE

I certify that on February 7, 2019, I caused a true and correct copy of the foregoing Opposer's Motion for Default Judgment for Failure to Answer to be served by email, with confirmation by U.S. Mail, postage prepaid, upon Applicant at the below address:

Kevin Mehra, President
Latitude Beverage Company
20 Guest Street No. 105
Boston, MA 02135
kevin@latitudebeverage.com

Dated: February 7, 2019

By: 
Allen J. Baden
Edge Law Group
100 Los Gatos Saratoga Road., Ste B
Los Gatos, CA 95032
650-460-8050 Telephone
650-460-8060 Fax
abaden@edgelawgroup.com

Attorneys for Opposer Cyclame S.a.r.l.

Exhibit A

[Redacted]

From: Allen J Baden <abaden@edgelawgroup.com>
Sent: Thursday, January 24, 2019 11:55 AM
To: Kevin Mehra
Subject: Cyclame | Latitude Beverage ATX Trademark Application

Importance: High

Kevin

I am following up on my earlier emails, as well as my filing a notice of opposition to your ATX application on behalf of my client, the answer for which is due by February 5, 2019.

I am at a loss as to why you stopped responding to my messages, as I thought we were at the point where I could circulate a draft agreement to memorialize our arrangement (with you dropping the idea of using ATX for wines in favor of using it as a brand for liquor, and to have you otherwise agree not to use the trade dress/look and feel of my client's AIX rose wines).

Please advise whether you remain interested in reaching an amicable resolution of this matter.

Thank you.

Allen J. Baden
Edge Law Group

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]