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

In the Matter of Registration No. 2,623,771
Date of Issue: September 24, 2002

CIRCUIT CITY STORES
WEST COAST, INC.,

Petitioner,

v.

CITY ELECTRIC COMPANY
OF BOULDER, INC.,

Registrant.

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Cancellation No. 92046737

MOTION FOR
DEFAULT JUDGMENT

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER

NOW COMES CIRCUIT CITY STORES WEST COAST, INC. ("Opposer" or "Circuit City"), Opposer to the registration of the mark CITY ("Registrant's Mark") for "Installation, maintenance, and repair of residential, industrial, and commercial electrical wiring," in International Class 37, which mark is the subject of Registration No. 2,623,771 (the "Registration"), issued September 24, 2002 to City Electric Company of Boulder, Inc. ("Registrant"), and, by and through its undersigned attorney, and, in accordance with 37 C.F.R. § 2.106(a), TBMP §§ 312.01, 508 and Fed. R. Civ. P. 55(a), hereby moves for default judgment against the Registrant of Registration No. 2,623,771.



03-08-2007

In support of this motion, Opposer respectfully shows that the Registrant failed to answer and otherwise defend this action as provided for by trademark and federal procedural rules. More specifically, Opposer shows that, as reflected in the December 8, 2006 letter from the Trademark Trial and Appeal Board to the Opposer and the Registrant, a copy of which is attached hereto as Exhibit 1, the Applicants had forty (40) days from December 8, 2006 to answer Opposer's Petition for Cancellation No. 92046737, which was received for filing on December 7, 2006. As set forth under 37 C.F.R. § 2.106(a), if no answer is filed within the time set, the opposition may be decided as in case of default. See also TBMP §§ 312.01, 508 and Fed. R. Civ. P. 55(a).

WHEREFORE, Opposer respectfully requests that default be entered against the Registrant of Reg. No. 2,623,771 with respect to this Cancellation proceeding.

Respectfully submitted,

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Attorney for Opposer
CIRCUIT CITY STORES WEST COAST, INC.

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

U.S. Patent & Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

on February 27, 2007.

Bryan D. Adams
(Typed or printed name of person mailing paper or fee)

Bryan D. Adams

(Signature of person mailing paper or fee)