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

Proceeding	92049206
Party	Plaintiff Think Computer Corporation
Correspondence Address	Aaron Greenspan Think Computer Corporation 884 College Avenue Palo Alto, CA 94306-1303 UNITED STATES legal@thinkcomputer.com
Submission	Motion for Default Judgment
Filer's Name	Aaron Greenspan
Filer's e-mail	legal@thinkcomputer.com
Signature	/Aaron Greenspan/
Date	06/12/2008
Attachments	20080612.motiondefault.pdf ( 5 pages )(412878 bytes )

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

THINK COMPUTER CORPORATION

Petitioner,

v.

FACEBOOK, INC.,

Respondent.

Cancellation No. 92049206

**MOTION AND DECLARATION  
FOR DEFAULT JUDGMENT**

Mark: FACEBOOK

Reg. No. 3,122,052

Reg. Date: July 25, 2006

**MOTION AND DECLARATION FOR DEFAULT JUDGMENT**

**I. MOTION**

Petitioner, Think Computer Corporation, hereby motions the Board for entry of Default Judgment against Respondent, Facebook, Inc. This motion is made pursuant to 37 CFR § 2.114(a) and Fed. R. Civ. P. 55, and Trademark Rule 3.12.

Petitioner filed its Petition to Cancel on April 15, 2008. The deadline for Respondent to file its Answer was May 26, 2008.

On May 27, 2008, Respondent filed its Answer past the clear deadline. Pursuant to §§ 508, 310.03(b) and 312.01 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Respondent is in default and Petitioner is entitled to Default Judgment.

Petitioner respectfully requests that the Board issue default judgment sustaining the cancellation and declaring the registration terminated.

**II. DECLARATION**

I, Aaron Greenspan, declare under penalty of perjury that I am over eighteen years of age and that the following is true and correct:

Think Computer Corporation filed a Petition to Cancel with the Board on April 15, 2008. That same day, I deposited a true and correct copy of the Petition to Cancel at the United States Post

Office, addressed to Facebook, Inc., 156 University Avenue, Palo Alto, CA 94301.

The Respondent should have filed an Answer by May 26, 2008. The answer was filed on May 27, 2008, but to the best of my knowledge the Respondent did not request an extension of time to file.

Think Computer Corporation is requesting the relief requested in its Petition to Cancel, namely, that this cancellation be sustained and that United States Trademark Registration No. 3,122,052 be cancelled.

### **III. PROPOSED ORDER**

A proposed order is attached as Exhibit A.

Respectfully submitted,

THINK COMPUTER CORPORATION

Dated: June 12, 2008

By \_\_\_\_\_

Aaron Greenspan  
President & CEO  
884 College Avenue  
Palo Alto, CA 94306-1303  
Phone: (415) 670-9350  
Fax: (810) 963-4026

# EXHIBIT A

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

THINK COMPUTER CORPORATION
Petitioner,
v.
FACEBOOK, INC.,
Respondent.

Cancellation No. 92049206

**[PROPOSED]  
DEFAULT JUDGMENT**

Mark: FACEBOOK  
Reg. No. 3,122,052  
Reg. Date: July 25, 2006

**[PROPOSED] DEFAULT JUDGMENT**

THIS MATTER, having been brought upon Petitioner's motion for entry of default judgment against Respondent, Facebook, Inc., and the Board having reviewed Petitioner's Declaration and the records contained herein, and the Board being fully advised, it is hereby

ORDERED, JUDGED AND DECREED that the Respondent is in default for failure to file a timely Answer or file a request for extension. Further, the registration of the mark FACEBOOK, Reg. No. 3,112,052, to describe "providing an online directory information service featuring information regarding, and in the nature of, collegiate life, classifieds, virtual community and social networking" in the International Classes 035 and 038 is cancelled. The cancellation is sustained.

Done this \_\_\_\_\_ day of June, 2008.

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

Trademark Trial and Appeal Board Panel Judges

**CERTIFICATE OF MAILING AND SERVICE**

I certify that on June 12, 2008, the foregoing MOTION AND DECLARATION FOR DEFAULT JUDGMENT is being electronically transmitted to:

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on June 12, 2008, the foregoing MOTION AND DECLARATION FOR DEFAULT JUDGMENT is being served by mailing a copy thereof by first-class mail addressed to:

Cooley Godward Kronish LLP  
Five Palo Alto Square  
4th Floor  
3000 El Camino Real  
Palo Alto, CA 94306-2155

By \_\_\_\_\_

Aaron Greenspan  
President & CEO  
Think Computer Corporation  
884 College Avenue  
Palo Alto, CA 94306-1303