

ESTTA Tracking number: **ESTTA700488**

Filing date: **10/06/2015**

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

Proceeding	92053315
Party	Defendant The American University for Science and Technology
Correspondence Address	DR M A WAHAB THE AMERICAN UNIVERSITY FOR SCIENCE AND TECHNOLOGY 18345 VENTURA BLVD STE 210 TARZANA, CA 91356 UNITED STATES president@austc.us
Submission	Opposition/Response to Motion
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Signature	/Mohamed Abdulwahab/
Date	10/06/2015
Attachments	Response to - Notice of Default Dated 10-6-2015.pdf(337886 bytes)

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

US registration No. 3, 836, 388

For the mark THE AMERICAN UNIVERSITY FOR SCIENCE AND TECHNOLOGY

American University.

Plaintiff,

VS.

The American University for
Science And Technology

Defendant

Serviced: October 06, 2015

Cancellation No. 92053315

**Memorandum in Response to
Notice of Default Dated 10/6/2015**

On 10/06/2015 Lalita Greene, Paralegal Specialist at the United States Patent and Trademark Office, Trademark Trial and Appeal Board posted a notice of default that reads " An answer to the amended petition to cancel was due (as last reset) in this proceeding on September 21. 2015. Inasmuch as it appears that no answer has been filed, nor has Respondent filed a motion to further extend its time to answer, a notice of default is hereby entered against Respondent under Fed. R. Civ. P. 55(a).1 Respondent is allowed until thirty days from the mailing date of this order to show the cause why judgment by default should not be entered against Respondent in accordance with Fed. R. Civ. P. 55(b) (2) .

Argument

The Respondent admit knowledge of proceeding #49 dated 8/31/2015 titled "proceedings resumed, answer due"

It seems to respondent until the date of this response that the petitioner's amendment hasn't been submitted.

The claimed amendment document hasn't been served to respondent and not found on the Prosecution History.

The above makes it impossible for the respondent to submit an answer for an unjustified claim or unavailable document.

Based on the fact that the petitioner failed to proof its claims and based on the documented facts that the respondent is fully operational at the state of California with IRS federal recognition as a 501(C)(3) public charity organization since 2004, a federal contractor with DUNS# 965029346, and State of California recognized nonprofit contractor since 2005. It is impossible for the petitioner to proof its argument or to submit any document to support such fake stories about fraud or loss of documentation.

Request

- (1) Respondent respectfully requests cancellation of the notice of default dated 10/6/2015.
- (2) Respondent respectfully requests issuing a notice of default against petitioner for false claim and failure to submit the amendment and supporting documents.
- (3) Respondent respectfully requests closing this cancellation petition based on the fact that the petitioner does not have any justification and shall not be able to proof its claims, while respondent is fully able to provide all official documents to support its status and to proof its ownership of its mark as registered.