

ESTTA Tracking number: **ESTTA566289**

Filing date: **10/22/2013**

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

Proceeding	92057830
Party	Plaintiff Latin Motors International, LLC
Correspondence Address	URY FISCHER LOTT & FISCHER PL POST OFFICE DRAWER 141098 CORAL GABLES, FL 33114-1098 UNITED STATES sdlott@lfiplaw.com, ufischer@lfiplaw.com, sdonna@lfiplaw.com, jzambrano@lfiplaw.com
Submission	Motion for Default Judgment
Filer's Name	Ury Fischer
Filer's e-mail	UFischer@lottfischer.com, SDLott@lottfischer.com, SDonna@lottfischer.com
Signature	/Ury Fischer/
Date	10/22/2013
Attachments	mot - default - 10 22 13.pdf(262669 bytes)

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

Latin Motors International, LLC, a
Florida limited liability company,
Petitioner,

v.

New Luxury Motors II, LLC, a
Delaware limited liability company,
Registrant.

Cancellation No.: 92057830

PETITION TO CANCEL
Registration No. 3,508,327
Issued: September 30, 2008
Mark: **LM and Design**

MOTION FOR DEFAULT

Pursuant to 37 CFR § 2.114(a), TBMP § 508, and Fed.R.Civ.P. 55, Petitioner Latin Motors International, LLC (“Petitioner”) hereby requests the entry of Default Judgment against Registrant, New Luxury Motors II, LLC (“Registrant”). In support of this request, Petitioner states as follows:

1. On September 6, 2013, Petitioner filed its Petition for Cancellation, thereby initiating the instant proceeding [DE 1].
2. Petitioner served copies of the Petition for Cancellation upon Registrant and its counsel of record via Federal Express on September 6, 2013.
3. In addition, the Trademark Trial and Appeal Board (the “Board”) notified Registrant of this proceeding by U.S. mail on September 9, 2013 [DE 2].
4. Per the Board’s Scheduling Order [DE 2], Registrant’s Answer was due to be filed by no later than October 19, 2013.
5. As Registrant has not filed an Answer to the Petition for Cancellation, has not requested or been granted an extension of time to file an Answer, and no good cause for not answering exists, Registrant is in default.

WHEREFORE, as Registrant is in default, and as Registrant has failed to show good cause as to why Default Judgment should not be entered against it, Petitioner requests the entry of Default Judgment against Registrant.

Date: October 22, 2013

Respectfully submitted,

LOTT & FISCHER, PL

/s/Ury Fischer
Ury Fischer
Stephen D. Lott
P.O. Drawer 141098
Coral Gables, FL 33114-1098
(305) 448-7089

Docket No. 12122-8810

Attorneys for Petitioner
Latin Motors International, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **MOTION FOR DEFAULT** was served upon Registrant by delivering true and correct copies of same to Registrant and Attorney of Record for Registrant via Federal Express on October 22, 2013 as follows:

New Luxury Motors II, LLC
310 Ogden Avenue
Downer's Grove, IL 60515

Melanie S. Corcoran
Baker & Hostetler LLP
1900 East 9th Street
3200 National City Center
Cleveland, OH 44114

/s/ Stephen D. Lott
Stephen D. Lott