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

Proceeding	92071512
Party	Plaintiff New Image Global, Inc.
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Submission	Motion for Default Judgment
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Date	08/02/2019
Attachments	2019-08-02_Motion for Entry of Default.pdf(125824 bytes )

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

NEW IMAGE GLOBAL, INC., a California Corporation,

Petitioner,

v.

INTERNATIONAL ODDITIES, INC., a California Corporation,

Respondent.

In re Trademark Registration No.: 4,632,589

Mark: BLACK MAMBA

Registered: November 4, 2014

Cancellation Petition No.: 92071512

**PETITIONER’S MOTION FOR ENTRY OF DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.114(a), and TBMP § 312, Petitioner, New Image Global, Inc. (“Petitioner”), hereby moves for entry of default against Respondent, International Oddities, Inc. (“Respondent”), for failure to file an answer to the petition within the time initially set or to seek an extension of time to file an answer to the petition.

In support of this Motion, Petitioner sets forth the following:

**FACTS**

1. On June 12, 2019, Petitioner filed this cancellation action seeking to cancel Respondent’s BLACK MAMBA mark having the U.S.P.T.O. registration no. 4,632,589.

2. On June 14, 2019, the TTAB issued a Notice of Institution in relation to Petitioner’s cancellation action against Respondent setting forth Respondent’s due date to file an answer to the petition.

3. Respondent’s due date to answer the petition was July 24, 2019.

4. Respondent has failed to file an answer to the petition and has further failed to seek

any extension of time for the filing of same.

5. Petitioner has had no contact or communication from Respondent and/or counsel on Respondent's behalf.

**ARGUMENT**

6. "If no answer is filed within the time initially set, or as may later be reset by the Board, the petition may be decided as in case of default." 37 C.F.R. § 2.114(a); *see also* TBMP § 312. Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

7. Respondent has failed to file an answer or otherwise defend this cancellation action. Moreover, Respondent has not sought any extension of time to file an answer. Entry of default is hereby warranted.

8. WHEREFORE, Petitioner requests that default be entered against Respondent in this matter and that the U.S. Trademark Registration No.: 4,632,589 for the mark BLACK MAMBA be cancelled in favor of Petitioner.

Dated: August 2, 2019

Respectfully Submitted,

JOHNSON & PHAM, LLP

By: /Christopher Q. Pham/  
Christopher Q. Pham  
Attorneys for Petitioner  
NEW IMAGE GLOBAL, INC.

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing MOTION FOR ENTRY OF DEFAULT has been served on International Oddities, Inc. by forwarding said copy on August 2, 2019 via e-mail and First-Class U.S. Mail to:

International Oddities, Inc.  
927 Deep Valley Dr. #163  
Rolling Hills, CA 90274

International Oddities, Inc.  
c/o Fred Crawford (Agent for Service of Process)  
2638 W. Beverly Blvd.  
Montebello, CA 90640

International Oddities, Inc.  
c/o Robert Hillard  
2785 Pacific Coast Hwy. #E801  
Torrance, CA 90505  
E-mail: info@internationaloddities.com

By: /Christopher Q. Pham/

Date: August 2, 2019