

ESTTA Tracking number: **ESTTA1065480**

Filing date: **07/01/2020**

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

Proceeding	92074278
Party	Plaintiff Selective Marketplace Limited
Correspondence Address	ROBERT C CUMBOW MILLER NASH GRAHAM & DUNN LLP 2801 ALASKAN WAY, SUITE 300 PIER 70 SEATTLE, WA 98121 UNITED STATES trademark@millernash.com 206-624-8300
Submission	Motion for Default Judgment
Filer's Name	Robert C. Cumbow
Filer's email	trademark@millernash.com
Signature	/Robert C. Cumbow/
Date	07/01/2020
Attachments	Motion for Default Judgment - POESIA CHRISCHANG.pdf(24974 bytes)

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

Selective Marketplace Limited
Petitioner,

v.

Poesia (Shan Hai) Trading Co.,
Registrant.

Registration No.: 4,884,735

Mark: POESIA CHRISCHANG

Cancellation No.: 92074278

MOTION FOR DEFAULT JUDGMENT

Pursuant to FED. R. CIV. P. 55(b), Petitioner Selective Marketplace Limited (“SML”) moves the Board for an Order of Default Judgment on its claim against Registrant Poesia (Shan Hai) Trading Co., (“Registrant”). *See* 37 C.F.R. § 2.106(a) (applying federal rules of civil procedure to inter parties proceedings).

The Board may enter default and default judgment against a registrant who fails to answer a Petition for Cancellation within the prescribed time period. 37 C.F.R. § 2.106(a); TBMP § 312.01. The petitioner may also raise the issue of whether default judgment should be entered against a registrant in a cancellation proceeding by way of a motion for default judgment. TBMP § 508 (“[T]he plaintiff, realizing that the defendant is in default, may file a motion for default judgment[.]”); *see also* TBMP § 312.01 (citing *DeLorme Pub. co. v. Eartha’s Inc.*, 60 U.S.P.Q.2d 1222 (TTAB 2000)). The filing of a motion for default judgment “may serve as a substitute for the Board’s issuance of a notice of default[.]” TBMP § 508.

In the present case, SML filed its Petition for Cancellation (the “Petition”) on May 19, 2020, and the Board served the notice instituting the cancellation proceeding on May 21, 2020. The deadline to file an answer to the Petition was June 30, 2020, which has since passed. Accordingly, the Board should enter a default judgment sustaining the Petition for Cancellation and cancel the registration if Registrant fails to file a response to this motion within thirty days. TBMP § 508; *see also* FED. R. CIV. P. 55(b).

DATED this 1st day of July, 2020.

Respectfully Submitted,

MILLER NASH GRAHAM & DUNN LLP



Robert C. Cumbow
Leila Javanshir
Miller Nash Graham & Dunn LLP
2801 Alaskan Way, Ste. 300
Seattle, Washington 98121
Telephone (206) 777-7468

Attorneys for Petitioner
Selective Marketplace Limited