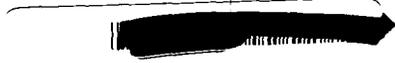


TTAB

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



-----X  
 PAT PALMER PRODUCTS CORP., :  
 :  
 Opposer, :  
 :  
 v. :  
 LA MER TECHNOLOGY, INC., :  
 :  
 Applicant. :  
 -----X

04-24-2003

U.S. Patent & TMOrc/TM Mail Rcpt Dt. 1

Opposition Nos. 115,372 and 118,091

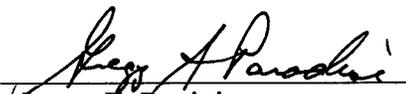
**APPLICANT'S MOTION TO DISMISS**  
**FOR FAILURE TO PROSECUTE**

Applicant, La Mer Technology, Inc., pursuant to 37 C.F.R § 2.132 and TBMP § 535.02, hereby requests that the Board enter a judgment by default against Opposer, Pat Palmer Products Corp., for Opposer's failure to take testimony and prosecute the opposition. Opposer has failed to take any testimony or offer any other evidence during its entire testimony period in this proceeding. Thus, the Board should dismiss this cancellation proceeding with prejudice.

Should this motion be denied, Applicant requests that Applicant's testimony period be reset, pursuant to 37 C.F.R § 2.132(a).

Respectfully submitted,

KENYON & KENYON

By:   
James E. Rosini  
Gregg A. Paradise  
One Broadway  
New York, New York 10004  
(212) 425-7200

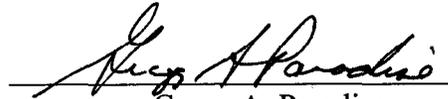
Attorneys for Applicant  
La Mer Technology, Inc.

Dated: April 22, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing APPLICANT'S MOTION TO DISMISS FOR FAILURE TO PROSECUTE was served today by first class mail on Richard S. Shenier, Esq., Shenier & O'Connor, 1077 Northern Boulevard, Roslyn, New York 11576, attorneys for Opposer Pat Palmer Products Corp.

April 22, 2003

  
Gregg A. Paradise

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on

Date April 22, 2003 Box T.T.A.B. - NO FEE

Signature   
KENYON & KENYON