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

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SCHLAGE LOCK COMPANY,  
Successor-in-Interest by merger to  
KRYPTONITE CORPORATION,

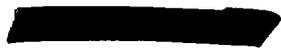
Opposer,

v.

Opposition No. 120,885

O.L. PRODUCTS,

Applicant.



01-26-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #78

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**MOTION FOR DEFAULT JUDGMENT**

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Opposer, by its attorneys, hereby moves the Board for a default judgment against Applicant. On May 7, 2003, Opposer filed a Motion to Compel Applicant to serve supplemental and/or amended answers to discovery requests and compelling Applicant to produce documents identified in Applicant's Responses to Opposer's First Request for Production of Documents.

On August 11, 2003 the Board gave Applicant 30 days to respond to Opposer's Motion, or until September 10, 2003. Applicant has not filed a response to Opposer's Motion to Compel and has not otherwise responded to Opposer's request to supplement and/or amend answers to Opposer's discovery requests nor has Applicant produced any documents in this case or responded to Opposer's requests to schedule a time to exchange documents. As shown in Opposer's Motion to Compel and the corresponding affidavit of Lori S. Meddings, Opposer has made numerous attempts to contact Applicant regarding its discovery responses and regarding the exchange of documents. Opposer submits that Applicant's unresponsiveness indicates that it has no intention of defending this opposition.

Opposer requires the requested information and documents in order to prepare for its testimony period, which will presumably commence shortly after this case is reopened by the Board. Opposer will be limited in its ability to present its case without the requested information and documents. Applicant's failure to respond in any way to Opposer or the Board should result in a default judgment against Applicant, and Opposer respectfully requests such relief.

Dated this 23<sup>rd</sup> day of January, 2004.

**MICHAEL BEST & FRIEDRICH LLP**  
Attorneys for Opposer

By:



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**CERTIFICATE OF SERVICE**

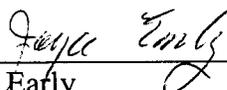
This is to certify that on January 23, 2004, I mailed via first class, prepaid mail, to Applicant's attorney at the address listed below

Jeffrey Sherman, Esq.  
3874 Tampa Road  
Oldsmar, FL 34677

a copy of the attached Motion for Default Judgment.

and that the original of said document was filed on the same day with the TTAB by sending the same (plus two copies) via First Class Mail, postage prepaid, as addressed to:

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

  
\_\_\_\_\_  
Joyce Early

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