

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Baxley

Opposition No. 123,718

Phat Fashions, Inc.

v.

Melani S. Naylor and John  
A. Mitchell, d/b/a J-Rags

**By the Trademark Trial and Appeal Board:**

On March 25, 2002, the Board sent a notice of default to applicants because no answer had been filed.

Such notice was returned by the United States Postal Service as undeliverable.<sup>1</sup> Board personnel subsequently made reasonable, but unsuccessful efforts to locate applicants.

Accordingly, judgment by default is hereby entered against applicants, the opposition is sustained, and

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<sup>1</sup> If the applicant in an opposition is not represented by an attorney or other authorized representative, and its copies of the notice of opposition and notification letter are returned to the Board as undeliverable, the Board will make all reasonable efforts to locate the applicant. However, it is the responsibility of an applicant representing itself to keep the PTO informed of its current address. If the applicant fails to do so, and the Board is unable to locate the applicant, the Board will continue to send correspondence relating to the opposition to applicant's last-known address, and when applicant fails to file an answer to the notice of opposition, the opposition may be decided as in case of default. See TBMP Section 315.02.

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registration to applicant is refused. See Fed. R. Civ. P.  
55, and Trademark Rule 2.106(a).