

TTAB

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

IN THE MATTER OF APPLICATION SERIAL NO. 76/296,778
PUBLISHED IN THE OFFICIAL GAZETTE ON NOVEMBER 13, 2001



In-N-Out Burger)
)
 OPPOSER)
)
 v.)
)
 REPIN-SKEES, INC.)
)
 APPLICANT)
 _____)

10-07-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

OPPOSITION NO. 91150584

TRADEMARK TRIAL AND
APPEAL BOARD
02 OCT 11 AM 12: 03

Commissioner of Trademarks
Box: TTAB
2900 Crystal Dr.
Arlington, VA 22202-3513

MOTION FOR JUDGMENT FOR OPPOSER UNDER 37 C.F.R. § 2.135

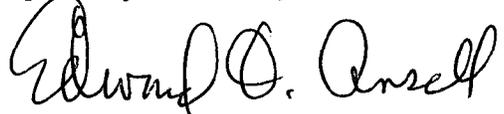
(Including Memorandum in Support, and Declaration of Edward O. Ansell in Support)

Sir:

The undersigned Petitioner/Opposer hereby moves the TTAB for an order for entry of Judgment for Opposer against Applicant. A written abandonment of the application, dated October 1, 2002, without the consent of Applicant, has been filed by Applicant's attorney with the TTAB.

Petitioner supports this Motion with the herein Memorandum and Declaration.

Respectfully Submitted,



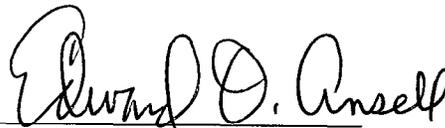
Edward O. Ansell
Attorney for Petitioner/Opposer

Date: Oct 5, 2002

Edward O. Ansell
Attorney-at-Law
449 W. Willamette Lane
Claremont, CA 91711-2746
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Fax: (909) 624-1664
E-mail anselaw@att.net

PROOF OF SERVICE

I hereby certify that on October 5 2002, a copy of the foregoing document is being deposited with the U.S. Postal Service, first class mail, postage prepaid, to: Albert L. Schmeiser, Schmeiser, Olsen & Watts, LLP, 18 E. University Dr., Ste. 101, Mesa, AZ 85201-5946, Attorney for Applicant.



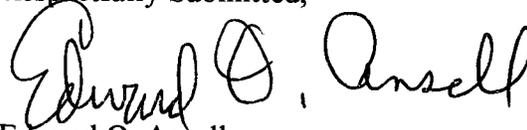
Edward O. Ansell

MEMORANDUM

Applicant Repin-Skees, Inc. by its attorney has filed an express abandonment of this present application with the TTAB, dated October 1, 2002. The express abandonment, a copy of which is attached, was made pursuant to 37 C.F.R. § 2.68. The consequences of such an abandonment are subject, however, to the provisions of 37 C.F.R. § 2.135, i.e., that after commencement of an opposition, a written abandonment of the application without the written consent of every adverse party results in entry of judgment against the applicant. At no time has Petitioner/Opposer given its consent, written or otherwise.

NOW THEREFORE Petitioner/Opposer hereby moves the TTAB for an order for entry of judgment for Opposer against Applicant.

Respectfully Submitted,



Edward O. Ansell

Attorney for Petitioner/Opposer

Date: Oct 5, 2002

Edward O. Ansell
Attorney-at-Law
449 W. Willamette Lane
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of:)
Repin-Skees, Inc.)
Serial No. 76/296778)
Filed: August 7, 2001)
Service Mark: RUSH-IN RUSH-OUT)
_____)

Trademark Law Office: 105

BOX RESPONSES

NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Withdrawal of Application

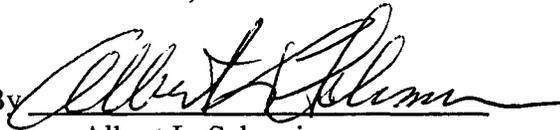
Sir:

Pursuant to 37 C.F.R. § 2.68, hereby expressly abandons this application.

Date: October 1, 2002

REPIN-SKEES, INC.

By



Albert L. Schmeiser

Attorney for Applicant

SCHMEISER, OLSEN & WATTS LLP

18 E. University Dr., Ste. 101

Mesa, AZ 85201

(480) 655-0073

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as First Class Mail, addressed to Box TTAB, No Fee, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date indicated below.

10-1-2002

Date



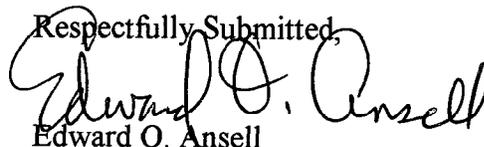
Signature

DECLARATION OF EDWARD O. ANSELL

I, EDWARD O. ANSELL do hereby declare and state:

1. I am a citizen of the United States, a member of the bar of the United States District Court in the central District of California, and a resident of the County of Los Angeles in the State of California. I am an attorney of record for Petitioner/Opposer in the above entitled action, and my business address for this Opposition is 449 W. Willamette Lane, Claremont, CA 91711-2746.
2. The paper entitled Withdrawal of Application dated October 1, 2002, signed by attorney for Applicant, attached to the herein Memorandum, is a copy of a document received in the U.S. Mail by the undersigned on October 3, 2002.
3. Petitioner/Opposer has not, at any time, consented to Applicant's withdrawal of its application for RUSH-IN RUSH-OUT, Serial No. 76/296,778.
4. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Respectfully Submitted,



Edward O. Ansell

Attorney for Petitioner/Opposer

Date: Oct 5, 2002

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