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FAX COVER PAGE

PAGES: 8 including cover

151,295

DATE: August 8, 2002

FROM: Jessica S. Sachs
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Jessica.Sachs@ThompsonHine.com

TO: Nancy L. Ormelko
Interlocutory Attorney, TTAB

PHONE: (703) 308-9330 x239
FAX: (703) 746-7111

Re: Opposition No: 151,295: *Chemineer, Inc. v. Kaspar Electroplating Company, Inc.*

Dear Ms. Ormelko:

This is in response to the Notice of Default (enclosed) mailed by the Trademark Trial and Appeal Board ("Board") on August 2, 2002 in connection with the above-captioned opposition. In footnote 1 of the Notice, it is asserted that Opposer's motion for default judgment filed June 6, 2002 would not be given consideration because it allegedly did not contain proof of service on Applicant. As we discussed, however, it appears that two of the five pages from Opposer's motion were detached and therefore not placed in the Board's opposition file.

Accordingly, Opposer respectfully submits herewith the five pages from Opposer's motion, including the Certificate of Service on Applicant. This documentation is being submitted to the Board via facsimile with the permission of the Board. In addition, a copy of this facsimile, with attachments, is being served upon counsel for Applicant, as evidenced by the attached Certificate of Service.

Thank you for your assistance with this matter. Please do not hesitate to contact me should you need any further documentation.

Respectfully submitted,

Jessica Sachs
Jessica S. Sachs
Attorney for Opposer

Attachments

Problems with transmission? Call Marriet Burdick at (937) 331-6044.

JSS 01705.433000.160US12OP1 259591.1

CONFIDENTIALITY NOTICE: THE INFORMATION IN THIS TRANSMITTAL IS CONFIDENTIAL AND INTENDED ONLY FOR THE RECIPIENT LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR A PERSON RESPONSIBLE FOR DELIVERING THIS TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING OF THIS TRANSMITTAL IS PROHIBITED. IF YOU RECEIVED THIS TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US AND RETURN THE TRANSMITTAL TO US AT OUR EXPENSE.

THOMPSON HINE LLP
ATTORNEYS AT LAW

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Dayton, Ohio 45402-1758

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AUG 06 2002

TRADEMARK AND APPEAL BOARD
PROPERTY DEPT

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

433000-1605120P1

Mailed: August 2, 2002

Opposition No. 91151295

CHEMINEER, INC..

v.

KASPAR ELECTROPLATING
COMPANY, INC.

Nancy L. Omelko, Interlocutory Attorney:

Answer was due in this case on May 20, 2002. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).¹

RECEIVED

AUG 06 2002

DOCKETED

9/5/02 - status (applicant has til 9/1 to show cause why default judgment should not be entered)

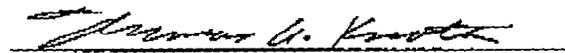
¹Opposer's motion (filed June 6, 2002) for default judgment will be given no consideration because it contained no proof of service on applicant, as required by Trademark Rule 2.119.

III. CONCLUSION

For the foregoing reasons, Opposer requests the Board to enter a Default Judgment against Applicant.

Respectfully submitted,

Dated: JUNE 6, 2002



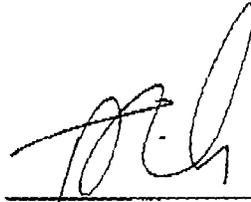
Thomas A. Knoth
Theodore D. Lienesch
Jessica S. Sachs
THOMPSON HINE LLP
2000 Courthouse Plaza, N.E.
10 West Second Street
Dayton, Ohio 45402
Phone: (937) 443-6777

Attorneys for Opposer,
CHEMINEER, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 6 day of June, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of the foregoing OPPOSER'S MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER NOTICE OF OPPOSITION and OPPOSER'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER to:

Daniel D. Chapman
JACKSON WALKER LLP
112 East Pecan Street
Suite 2100
San Antonio, Texas 78205



Theodore D. Lienesch, Esq.

112 East Pecan Street, Suite 2100
San Antonio, Texas 78205
(210) 978-7700 • fax (210) 978-7790
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May 28, 2002

JUN 3 2002

INTELLECTUAL PROPERTY
LAW GROUP
THOMPSON HINE LLP

Jessica S. Sachs, Esq.
THOMPSON HINE
2000 Courthouse Plaza, N.E.
10 West Second Street
Dayton, Ohio 45402-1758

Re: *Chemineer, Inc. v. Kaspar Electroplating Company, Inc.; Opposition No. 151,295*

Dear Ms. Sachs:

I recently received a package of discovery including Interrogatories, Request for Production of Documents and Request for Admissions in an Opposition styled *Chemineer, Inc. v. Kaspar Electroplating Company, Inc.*, Opposition No. 151,295. Perhaps you have not noticed that Kaspar Electroplating Company has not filed an Answer in that Opposition. Therefore, I am returning the discovery to you. There are no contested issues yet, as an Answer has not been filed.

Sincerely,

DANIEL D. CHAPMAN

DDC:ej
Enclosures.

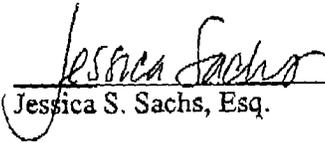
cc: Doug Kaspar
Kaspar Electroplating Co.

Austin
Dallas
Fort Worth
Houston
Kansas City
San Antonio
San Diego



CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August, 2002, I sent, via facsimile, a true and correct copy of the foregoing facsimile captioned **Opposition No. 151, 295: *Chemineer, Inc. v. Kaspar Electroplating Company, Inc.*** to Applicant's counsel: Daniel D. Chapman, Esq., JACKSON WALKER LLP, at (210) 978-7790.



Jessica S. Sachs, Esq.