

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

In the Matter of Trademark Application Serial No.: 76/232,553
Filed: March 29, 2001
Mark: WORK GLOVE THUMB
Published January 22, 2002 at page TM 323.



03-17-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #3

MAGID GLOVE AND SAFETY)
MANUFACTURING COMPANY, L.L.C.,)
Opposer,)
v.)
ARBILL INDUSTRIES, INC.,)
Applicant.)

OPPOSITION NO. 91151752

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TRADEMARK TRIAL AND APPEAL BOARD

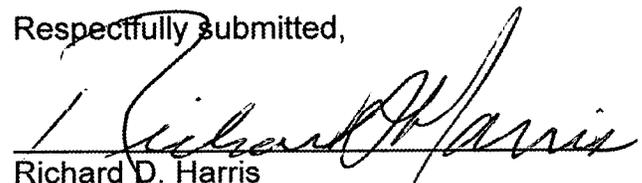
MOTION FOR DEFAULT JUDGMENT

Opposer, Magid Glove and Safety Manufacturing Company, L.L.C., through its undersigned counsel, moves for entry of default judgment towards the rejection and abandonment of Applicant's application, pursuant to 37 CFR § 2.106(a) and TBMP § 317.

On June 4, 2002, the Trademark Trial and Appeal Board issued a Notice to the Applicant setting **July 14, 2002** as the due date for Applicant's answer. Nearly eight (8) months later, Opposer has still not received any answer – or petition for extension of time in which to answer. Under the dates presently set by the Trademark Trial and Appeal Board, discovery closed on December 21, 2002. Accordingly, Opposer respectfully requests that a default judgment be entered in favor of Opposer and against the Applicant.

In view of Applicant's failure to timely respond to any of its obligations under the rules and before this Court, Opposer respectfully requests rejection of the application, which should be declared abandoned, together with termination of the Opposition.

Respectfully submitted,


Richard D. Harris
One of Attorneys for Opposer

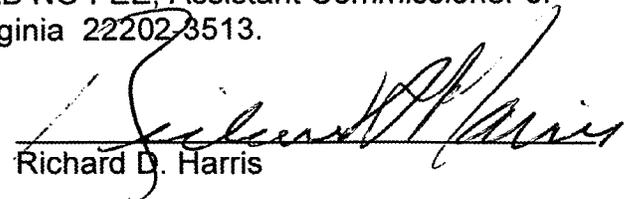
Dated: March 11, 2003

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CERTIFICATE OF MAILING

I hereby certify that this MOTION FOR DEFAULT JUDGMENT is being deposited with the United States Postal Service under 37 C.F.R. §1.8 on the date indicated above and is addressed to BOX TTAB NO FEE, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Dated: March 11, 2003


Richard D. Harris

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this MOTION FOR DEFAULT JUDGMENT was served upon Applicant by first class mail, postage prepaid to:

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Dated: March 11, 2003


Richard D. Harris