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

RE : OPPOSITION NO. 151,757

**COLUMBIA INSURANCE COMPANY
&
H.H. BROWN SHOE COMPANY
VS.
LENWORTH ALEXANDER HYATT**

01-07-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Motion for Judgment for Plaintiff's Failure to Prove Case

Pursuant to 37 CFR § 2.132 (a) and (b) of The Trademark Trial and Appeal Manual of Procedure, Defendant files for a motion for the Dismissal of Opposition No. 151,757. Dismissal is sought on the ground of the failure of the Plaintiff to prosecute. Plaintiff has not taken any evidence, or offered any evidence in support of Opposition No. 151,757 (See Exhibit A).

On December 2, 2002, Applicant / Defendant filed 'Request to Produce Documents and Things' (See Exhibit B, and Exhibit C 'Confirmation of Delivery'). Attorneys for Opposers failed to respond. Attorneys for Opposers instead filed Motion for Summary Judgement (See Exhibit D). In light of this development Defendant / Applicant seek to defend Summary Judgement. Defense against Summary Judgement is sought, by asserting the existence of genuine issue of material fact, regarding the un-pleaded claim of the service of, ' Interrogatory Documents, and Request for Admission', on July 22, 2002.

**Deposition in support of Motion for Summary Judgement
in favor of Nonmoving Party**

1. On December 18, 2002, Attorneys for Opposers filed Motion for Summary Judgement, after failing to respond to Defendant's Request to Produce Documents and Things (See Exhibits B).
2. On December 10, 2002 custodian for Opposers attorneys retrieve from the United states Post Office Certified Mail which contain Applicant / Defendant, Request to produce Documents and Things (See Exhibit C)
3. Opposers' attorneys failed to comply with a thirty (30) days period granted in which to reply to Request to Produce Documents and Things (See Exhibit B).
4. In the Introductory Paragraph, of the Introduction of attorneys 'Memorandum of Law in support of Motion for Summary Judgement', the attorneys admit, "there is no confusion between the parties' products, and therefore no infringement"(See Exhibit D).
5. Opposers Memorandum of law in support of Motion for Summary Judgement states,

"Opposers Columbia Insurance Company (Columbia) and H.H. Brown Shoe Company, Inc. (H.H. Brown) (Columbia and H.H. Brown shall hereinafter collectively be referred to as "Opposers"), by their attorneys, hereby move for summary judgement on the ground that there is no confusion between the parties' products, and, therefore, no infringement"(See Exhibit D).

6. Attorneys for Opposers could not legally serve Interrogatories, Request for Production of Documents and Request for Admission to Applicant / Defendant on July 22, 2002, because Notice of Appearance was not served until about August 15, 2002, or August 14, 2002 (See Exhibit E, and Exhibit F: Attorneys at Fish & Richardson, 'Notice of Withdrawal from Employment').

7. Attorneys for Opposers have failed to prove by United States Postal Confirmation that Opposers served Interrogates, Request for Production of Documents, and Request for Admission to Applicant on July 22, 2002.

8. No issue of material fact is presented in Opposers' filing of Summary Judgement.

9. Pursuant to FRCP 56 (a) and 56 (b) "A Party may not obtain Summary Judgement on an issue which has not been Plead."

Defendant plead the Honorable Trademark Trial and Appeal Board to enter Summary Judgement, in favor of Nonmoving Party (Applicant / Defendant).

Pursuant to 37 CFR § 2.119 (c) Plaintive Attorneys has 20 days from the date of service of this motion to show why judgement should not be rendered against it.

CERTIFICATE OF MAILING

I Lenworth Alexander Hyatt hereby certifies that this correspondence is being deposited with The United States Post Office as Certified Mail, addressed to The Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA. 22202 -3513.

ON January 02, 2003 BY LA Hyatt
Date Lenworth Alexander Hyatt

CERTIFICATE OF SERVICE

I Lenworth Alexander Hyatt hereby certifies that this correspondence was deposited with The United States Post Office as Certified Mail, to be served on attorneys for Opposers Gene S. Winter, and Mark J. Speciner, at St. Onge Steward Johnson & Reens LLC. , At 986 Bedford Street, Stamford, CT. 06905.

ON January 02, 2003 BY LA Hyatt
Date Lenworth Alexander Hyatt

EXHIBIT

A

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

COLUMBIA INSURANCE COMPANY and
H.H. BROWN SHOE COMPANY, INC.,

Opposer,

v.

LENWORTH ALEXANDER HYATT

Applicant.

Opposition No.

In the matter of
Application Serial No. 76-242,606

Published in the Official Gazette on October
16, 2001

Mark: H & Crown Design

BOX TTAB
FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Columbia Insurance Company, a Nebraska corporation, having its principal place of business at 4016 Farnam Street, Omaha, Nebraska 68131, and H.H. Brown Shoe Company, Inc., a Delaware corporation, having its principal place of business at 124 West Putnam Avenue, Greenwich, Connecticut, believe that they will be damaged by the registration of the mark shown in the above-identified application, and hereby oppose same.

The grounds for opposition are as follows:

1. Columbia Insurance Company is the owner of U.S. Trademark Registration No. 1,981,495 for the H & Crown Design trademark.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 13, 2002
Date of Deposit

Karen B. Lacerda
Signature

Karen B. Lacerda
Typed or Printed Name of Person Signing Certificate

2. H.H. Brown Shoe Company, Inc. is licensed by Columbia Shoe Company to use the H & Crown Design trademark.

3. Hereinafter Columbia Insurance Company and H.H. Brown Shoe Company, Inc. will be referred to collectively as Opposers.

4. Opposers use and have used since 1979, the H & Crown Design trademark in interstate commerce in connection with footwear and the like.

5. Applicant, Lenworth Alexander Hyatt, filed Application Serial No. 76-242,606 on April 17, 2001 on an intent-to-use basis for the mark Crown Design, to be used in connection with clothing for men, women, children and infants, namely footwear, pants, headwear, underwear, swimwear, lingerie, shirts, jackets, socks, dresses, blouses, stockings, sweaters, blazers, pajamas, robes, trench coats, sports, sports jerseys, gloves, overall, skirts, jump-suits, leotards, tank-tops, neck-ties, bow-ties, shorts, suits, scarves, handkerchiefs, vest, shawls, blazers in Int. Class 25. Said application was published in the Official Gazette of October 16, 2001.

6. Applicant's mark Crown Design, as applied to footwear, so resembles the previously used H and Crown Design trademark of Opposers, as used in connection with Opposers' goods, as to be likely to cause confusion or cause mistake, or to deceive consumers as to any association between Opposers' and Applicant.

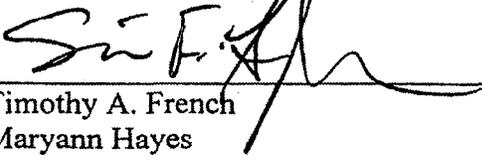
7. Applicant's mark Crown Design, as applied to footwear, so resembles the previously used H and Crown Design of Opposers, as used in connection with Opposers' goods, will likely dilute the distinctiveness of Opposers' trademark.

8. Based upon the foregoing, the registration of the mark depicted in Application Serial No. 76-242,606, filed on April 17, 2001, on the Principal Register of the United States Patent and Trademark Office, will cause injury and damage to Opposers.

WHEREFORE, Opposers requests that registration of Applicant's mark Crown Design, Application Serial No. 76-242,606, be denied.

COLUMBIA INSURANCE COMPANY and
H.H. BROWN SHOE COMPANY, INC.,

By:


Timothy A. French
Maryann Hayes
Seán F. Heneghan

Opposer attorneys
Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110-2804
(617) 542-5070

20389600.doc

EXHIBIT

B

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

RE : OPPOSITION NO. 151,757

**COLUMBIA INSURANCE COMPANY
&
H.H. BROWN SHOE COMPANY
VS.
LENWORTH ALEXANDER HYATT**

REQUEST TO PRODUCE DOCUMENTS AND THINGS

Pursuant to 37 CFR § 2.120 of The Trademark Rules of Practice Defendant request that the new attorneys for Opposers Gene S. Winter, and Mark J. Speciner, at St. Onge Steward Johnson & Reens LLC, 986 Bedford Street, Siamford, CT. 06905, submit documents and things to support the allegation presented in the opposition to Serial No. 76/242,606, within 30 days by Postal Mail addressed to Defendant at P.O. Box 4864, Hollywood FL. 33083.

DOCUMENT REQUEST NO. 1

Documents and things to confirm Columbia Insurance Company is the owner of Registered Number 1,981,495 (H-Mark).

DOCUMENT REQUEST NO. 2

Documents and things to confirm H.H.. Brown Shoe Company, Inc. is licensed by Columbia Shoe Company to use the H-Mark .

DOCUMENTS REQUEST NO. 3

Documents and things to confirm Opposers use, and have used since 1979, the H-Mark trademark in Interstate Commerce, with footwear and the like.

DOCUMENT REQUEST NO. 4

Documents and things showing Serial No. 76/242,606 as applied to footwear so resembles the previously used H-Mark of Opposers, as used in connection with Opposers goods.

DOCUMENT REQUEST NO. 5

Documents and things to confirm Applicant Mark Serial No. 76/242,606 is likely to cause confusion, or mistake, or to deceive consumers as to any association between Opposers H-Mark .

DOCUMENT REQUEST NO. 6

Documents and things to confirm Serial No. 76/242,606 as applied to footwear so resemble the previously used H-Mark of Opposers, as used in connection with Opposers goods,

will likely dilute the distinctiveness of Opposers Trademark.

DOCUMENT REQUEST NO. 7

Documents and things to confirm that based upon the forgoing, the registration of Serial No. 76/242,606 will cause injury and damage to Opposers.

CERTIFICATE OF MAILING

I Lenworth Alexander Hyatt hereby certifies that this correspondence is being deposited with The United States Post Office as Certified Mail, addressed to The Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA. 22202 -3513.

ON December 2, 2002 BY LA Hyatt
Date Lenworth Alexander Hyatt

CERTIFICATE OF SERVICE

I Lenworth Alexander Hyatt hereby certifies that this correspondence was deposited with The United States Post Office as Certified Mail, to be served on attorneys for Opposers Gene S. Winter, and Mark J. Speciner, at St. Onge Steward Johnson & Reens LLC. , At 986 Bedford Street, Stamford, CT. 06905.

ON December 2, 2002 BY LA Hyatt
Date Lenworth Alexander Hyatt

EXHIBIT
C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gene S. Winter /
 Mark J. Specina
 St. Onge Steward
 Johnson & Keays LLC
 96 Bedford St.
 Stamford CT 06905

2. Article Number

7001 2510 0003 7767 1920

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-103

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Paul Bosler

Agent

Addressee

B. Received by (Printed Name)

Paul Bosler

C. Date of Delivery

12/1/01

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Lemworth A. Hyatt
 P. O. Box 4864
 Hollywood, FL 33053-4864

33053+4864

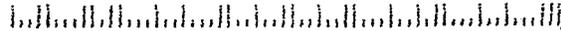


EXHIBIT
D

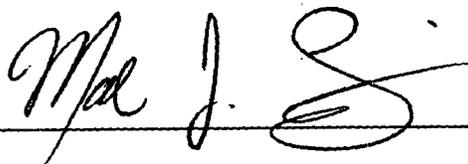
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF MOTION FOR SUMMARY JUDGMENT is being served this 18th day of December, 2002, via First-Class mail to:

Lenworth Alexander Hyatt
P.O. Box 4864
Hollywood, FL 33083

12-18-02

Date



continuously since March 5, 1994. *Id.* H.H. Brown is the exclusive licensee of the H & Crown design trademark. *Id.* On June 18, 1996, H.H. Brown obtained a registration for the H & Crown design trademark from the United States Patent and Trademark Office. The H & Crown design trademark was given Registration No. 1,981,495, and is registered in respect of "footwear" in Class 25. Since its registration, it has been used continuously, and on July 29, 2002, the registration became incontestable. *Speciner Dec.*, ¶¶ 2 – 3.

On April 17, 2001, Applicant Lenworth Alexander Hyatt (hereinafter "Applicant") applied to register a "crown design" trademark based on an intent-to-use the mark in respect of "clothing for men, women, children and infants, namely; footwear, pants, headwear, underwear, swimwear, lingerie, shirts, jackets, socks, dresses, blouses, stockings, sweaters, blazers, pajamas, robes, trench coats, sports jerseys, gloves, overall, skirts, jump-suits, leotards, tank-tops, neck-ties, bow-ties, shorts, suits, scarves, hankchiefs (sic), vest, shawls, blazers" in Class 25. Applicant's crown design application was granted Application Serial No. 76/242,606. It was published for opposition on October 16, 2001, and on February 13, 2002, Opposers filed a Notice of Opposition of the registration of Applicant's crown design mark.

On July 22, 2002, Opposers served Interrogatories, Requests for Production of Documents and Requests for Admissions to Applicant. The deadline for Applicant to serve responses to the outstanding discovery was August 26, 2002. To date, no responses of any kind have been received by either Opposers or their counsel. Because Applicant has failed to provide a response to the outstanding discovery, specifically, the Requests for Admission, the statements contained therein are deemed admitted by Applicant. As such, Applicant has admitted, *inter alia*, that Applicant's

mark is confusingly similar to Opposers' H & Crown design trademark. Accordingly, summary judgment is appropriate.

III. LAW

A. Standard for Summary Judgment

Summary judgment is appropriate when "there is no genuine issue as to any material fact and ... the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c); *SRI Int'l v. Matsushita Elec. Corp. of Am.*, 775 F.2d 1107, 1116, 227 USPQ 577, 581 (Fed. Cir. 1985) (en banc). "The movant bears the burden of demonstrating absence of all genuine issues of material fact." *SRI*, 775 F.2d at 1116, 227 USPQ at 581; *Armco, Inc. v. Cyclops Corp.*, 791 F.2d 147, 149, 229 USPQ 721, 722-23 (Fed. Cir. 1986). In this action, through the Applicant's failure to respond to interrogatories, document requests and, especially, requests for admission, likelihood of confusion may be found to have been admitted by the Applicant.

B. Opposers' Requests for Admissions May Be Deemed Admitted Due to Applicant's Failure to Provide Responses

Requests for Admission are covered by Rule 36 of the Federal Rules of Civil Procedure.¹ It states, in pertinent part:

Each matter of which an admission is requested shall be separately set forth. **The matter is admitted unless, within 30 days after service of the request . . . the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the**

¹ 37 C.F.R. § 2.1116 provides that inter party proceedings, unless otherwise provided, should be governed by the Federal Rules of Civil Procedure.

matter signed by the party or by the party's attorney (emphasis supplied).

Fed.R.Civ.P. Rule 36(a). Rule 36(b) adds that "[a]ny matter admitted under this Rule is conclusively established unless the court on motion permits withdrawal or amendment to the admission."

In the instant case, Opposers, on July 22, 2002, served Opposers' First Set of Requests to Admit to Applicant. See Speciner Dec., ¶ 7 and Exhibit D thereto). Request No. 1 asks Applicant to "Admit that Applicant's Mark is confusingly similar to Opposers' Mark."² Since Applicant did not submit a response to this request, it is deemed admitted. Moreover, such an admission warrants the entry of summary judgment. See *Johnson v. Tuff N Rumble Management Inc.*, 54 U.S.P.Q.2d 1871 (E.D. La. 2000) (quoting *American Auto Ass'n v. AAA Legal Clinic of Jefferson*, 19 U.S.P.Q. 2d 1142, 1144 (5th Cir. 1991)("The conclusive effect of Rule 36(b) 'applies equally to those admissions made affirmatively and those **established by default, even if the matters admitted relate to material facts that defeat a party's claim.**").

Since Applicant has admitted that his mark and that of the Opposers are confusingly similar, summary judgment is not only appropriate, it is warranted.

IV CONCLUSION

Through the use of standard discovery tools, Opposers have clearly demonstrated that there is a likelihood of confusion between their mark and that of the Applicant. For the

² "Opposers' Mark" had been defined as "the CROWN DESIGN trademark of Columbia Insurance Company, registered at the United States Patent and Trademark Office, and granted Registration No. 1,981,495." A depiction of this registration is annexed to the Speciner Dec. as Exhibit ___.

foregoing reasons, plaintiff's motion for summary judgment for a declaratory judgment of non-infringement should be granted.

Respectfully submitted,



December 18, 2002
Date

Gene S. Winter
Mark J. Speciner
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
Telephone: (203) 324-6155
Facsimile: (203) 327-1096
Attorneys for Opposers

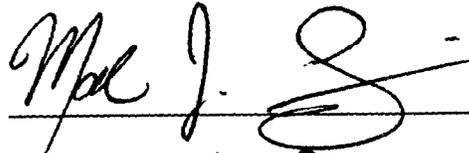
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Memorandum Of Law In Support Of Motion For Summary Judgment is being served this 18th day of December, 2002, via First-Class mail to:

Lenworth Alexander Hyatt
P.O. Box 4864
Hollywood, FL 33083

12-18-02

Date



Mark J. Speciner

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

-----X
COLUMBIA INSURANCE COMPANY and
H.H. BROWN SHOE COMPANY, INC.,
Opposers,
vs. Opposition No. 91151757
LENWORTH ALEXANDER HYATT
Applicant.
-----X

DECLARATION OF MARK J. SPECINER

I, MARK J. SPECINER, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney for the firm of St. Onge Steward Johnston & Reens, LLC, attorneys for Opposers Columbia Insurance Company ("Columbia") and H.H. Brown Shoe Company, Inc. ("H.H. Brown") (Columbia and H.H. Brown will be collectively referred to hereinafter as "Opposers"). I submit this declaration in support of Opposers' Motion for Summary Judgment.

2. Opposer Columbia is the owner of the H & Crown Design trademark ("Opposers' Mark"). On June 18, 1996, H.H. Brown obtained a registration for Opposers' Mark from the United States Patent and Trademark Office. The H & Crown design trademark was granted Registration No. 1,981,495, and is registered in respect of "footwear" in Class 25.

3. Subsequently, H.H. Brown assigned the H & Crown design trademark and registration to Opposer Columbia. Since its registration, Opposers' Mark has been used

continuously, and on July 29, 2002, the registration became incontestable. A depiction of that registration is annexed hereto as Exhibit A. Opposers have been using Opposers' Mark continuously since 1979.

4. On April 17, 2001, Applicant Lenworth Alexander Hyatt ("Applicant") filed an application to register a crown design trademark (hereinafter "Applicant's Mark"). It was granted Application Serial No. 76/242,606, and published for opposition on October 16, 2001.

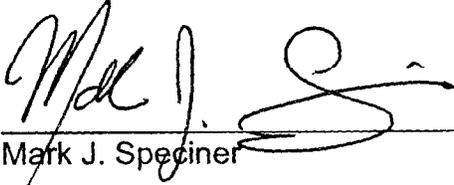
5. On February 13, 2002, Opposers filed the instant Notice of Opposition, alleging, *inter alia*, likelihood of confusion. A copy of the Notice of Opposition is annexed hereto as Exhibit B. The opposition was given number 91151757.

6. On June 4, 2002, the Trademark Trial and Appeal Board mailed notification of the instant opposition to Applicant. Within the notification was an order setting forth trial dates. Among the dates contained therein was the opening of discovery on June 24, 2002. A copy of the Board's Notice to Applicant is annexed hereto as Exhibit C.

7. On July 22, 2002, Opposers served Interrogatories, Document Requests and Requests for Admission to Applicant. A copy of the Requests for Admission is annexed hereto as Exhibit D. Under Trademark Rules, Applicant's deadline by which to respond to the Requests for Admission was August 26, 2002. To date, no response from Applicant has been received.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed at Stamford, Connecticut, this 18th day of December, 2002.



Mark J. Speciner

EXHIBIT

E

TRADEMARK
3824-N0066A GSW/MJS

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

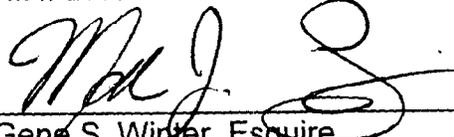
-----X
COLUMBIA INSURANCE COMPANY and)
H.H. BROWN SHOE COMPANY, INC.,)
)
Opposers,)
)
v.) Opposition No. 91151757
)
LENWORTH ALEXANDER HYATT,)
)
Applicant.)
-----X

NOTICE OF APPEARANCE

Pursuant to 37 C.F.R. §2.102(d) of the Trademark Rules of Practice, Opposers Columbia Insurance Company, and H.H. Brown Shoe Company, Inc. request that the appearance of Gene S. Winter, Arlana S. Cohen, Mark J. Speciner, Kathryn G. Belleau and David Chen of the law firm of St. Onge Steward Johnston & Reens, LLC, 986 Bedford Street, Stamford, Connecticut 06905-5619 be entered on their behalf in the above referenced matter.

COLUMBIA INSURANCE COMPANY
H.H. BROWN SHOE COMPANY, INC.

8/14/02
Date

By: 
Gene S. Winter, Esquire
Arlana S. Cohen, Esquire
Mark J. Speciner, Esquire
Kathryn G. Belleau, Esquire
David Chen, Esquire
Attorneys for Opposers
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
Telephone: (203) 324-6155
Facsimile: (203) 327-1096

EXHIBIT

F

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

In the matter of Application Serial No. 76/242,606
For the Mark Crown Design
Published in the Official Gazette on October 16, 2001 at

Columbia Insurance Company and H.H.
Brown Shoe Company, Inc.,

Opposers,

v.

Opposition No. 91151757

Lenworth Alexander Hyatt,

Applicant.

Commissioner for Trademarks
BOX TTAB – NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

WITHDRAWAL FROM EMPLOYMENT PURSUANT TO 37 C.F.R. § 10.40(b)

Fish & Richardson P.C. hereby withdraws from employment as representative for
Opposers, Columbia Insurance Company and H.H. Brown Shoe Company, Inc. in the above-

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Date of Deposit September 20, 2002

Signature *Nicole E. Gage*

Typed or Printed Name of Person Signing Certificate
NICOLE E. GAGE

Applicant : Lenworth Alexander Hyatt
Serial No. : 76/242,606
Filed: : April 17, 2001
Mark : Crown Design
Page : 2

Attorney's Docket No.: 10294-602PP1

captioned opposition proceeding. Withdrawal is mandatory pursuant to 37 C.F.R. § 10.40(b) as Opposers have advised Fish & Richardson that they have hired St. Onge Steward Johnston & Reens LLC to serve as their representative in this proceeding.

The undersigned believes that Opposers will not be prejudiced by this withdrawal because Opposers have already employed another law firm to represent them in this proceeding and attorneys from such law firm entered an appearance in this proceeding on August 14, 2002.

Respectfully submitted,

Date:

September 20, 2002



Timothy A. French
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Attorneys for Opposers,
COLUMBIA INSURANCE COMPANY and
H.H. BROWN SHOE COMPANY, INC.

Applicant : Lenworth Alexander Hyatt
Serial No. : 76/242,606
Filed: : April 17, 2001
Mark : Crown Design
Page : 3

Attorney's Docket No.: 10294-602PP1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing WITHDRAWAL FROM EMPLOYMENT PURSUANT TO 37 C.F.R. § 10.40(b) was served upon:

Attorney for Applicant:

Lenworth Alexander Hyatt
P.O. Box 4864
Hollywood, FL 33083

and

Attorney for Opposers:

Gene S. Winter, Esq.
St. Onge Steward Johnson & Reens LLC
986 Bedford Street
Stamford, Connecticut 06905-5619

by first class mail, postage prepaid, on this the 20th day of September, 2002.

