

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 76/175086, **CALISTA**



JLB

11-12-2002

U.S. Patent & TMO/c/TM Mail RcptDt. #01

KALLISTA, INC.,

Opposer,

v.

FETIM, B.V.,

Applicant

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Opposition No.
91152532

TAB
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TRADEMARK TRIAL AND
APPEAL BOARD

MOTION FOR ENTRY OF DEFAULT
SUSTAINING THE OPPOSITION

Opposer, Kallista, Inc., by and through its undersigned attorneys, hereby moves for the issuance of an Order holding the Respondents in default for failure to file an Answer to the Notice of Opposition. No Answer has been filed or served on the Applicant's behalf.

The Applicant's Corporate Buying Director, Mr. Ruud Steenvorden, has indicated to the Opposer's attorneys that the Applicant will not pursue the subject application, stating that the Applicant will withdraw the application.

The Board, by Order dated August 19, 2002, required an Answer within forty days, i.e., by September 28, 2002. Since Applicant is in default, Opposer hereby moves for issuance of judgment sustaining the Opposition and dismissing the application with prejudice.

Respectfully submitted

KALLISTA, INC.

By:

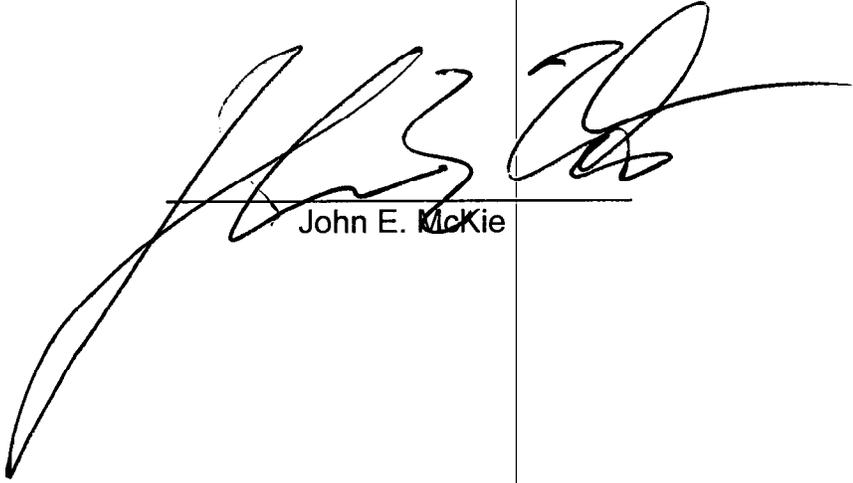
[Handwritten signature]

John E. McKie
Ladas & Parry
224 S. Michigan Ave.
Chicago, IL 60604
Tel: 312/427-1300
Fax: 312/427-6663

CERTIFICATE OF SERVICE

The undersigned hereby verifies that a copy of the foregoing Motion For Default Judgment Sustaining the Opposition was deposited in the United States mail as first class mail, postage pre-paid, on this 7th day of November 2002, addressed to Applicant's representatives as follows:

Ms. Susan A. Richards
Foley & Lardner
Washington Harbour, Suite 500
3000 K Street, N.W.
Washington, D.C. 20007-5109



John E. McKie

Box TTAB **NO FEE**
Commr., Trademarks
November 7, 2002
Page 2

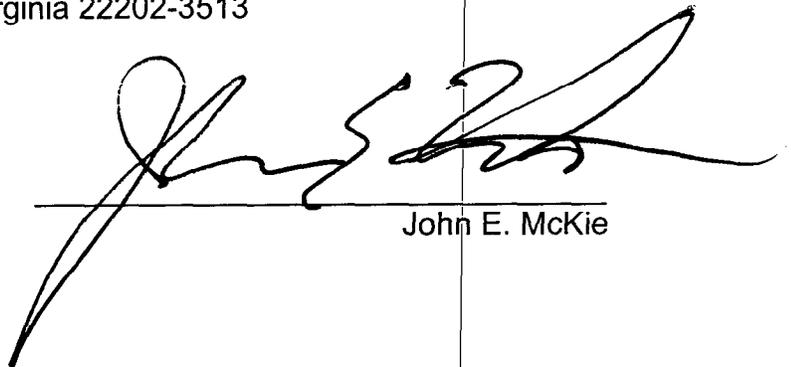
CERTIFICATE OF MAILING (37 CFR 1.10)

Date of Deposit: November 7, 2002
Opposer: Kallista, Inc.
Applicant: Fetim, B.V.
Trademark: CALISTA
Application No.: 76/175086
Opposition No.: 91152532
Documents: Motion for Entry of Default Judgment Sustaining
Opposition, Certificate of Mailing, Certificate of
Service and return receipt postcard.

I hereby certify that these documents and fees are being deposited with the United States Postal Service First Class Mail under 37 CFR 1.10 on the date indicated above and is addressed to:

Box TTAB **NO FEE**
The Honorable Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

On November 7, 2002:



John E. McKie

LAW OFFICES

LADAS & PARRY

11-12-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

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November 7, 2002

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Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: Kallista, Inc. V. Fetim, B.V.
Opposition No. 91152532
Application SN 76/175086

Dear Colleagues:

Enclosed for filing please find the following:

- 1) Motion for Entry of Default Judgment Sustaining Opposition with Certificate of Service;
- 2) Certificate of Mailing; and
- 3) Return receipt postcard.

Please affix your stamp to the postcard and deposit in the U.S. mail as evidence of your receipt hereof.

Very truly yours,

John E. McKie

JEM/jkm

Encl.: as recited above

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