

02-26-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

TTAB

Trademarks

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

NILES AUDIO CORPORATION

Opposer,

Opposition No. 91154155

v.

Serial No. 76/363,880

RUSSOUND/FMP, INC.

Date of Publication: 10/29/02

Mark: INTELLINET CONTROLS IC

Applicant.

MOTION FOR DEFAULT

Pursuant to the provisions of 37 CFR §2.106(a) and Fed.R.Civ.P. 55(b), Opposer, NILES AUDIO CORPORATION, hereby requests the entry of Default Judgment against Applicant. In support of this request, Opposer states as follows:

1. Opposer filed this Opposition proceeding on December 17, 2002.
2. The Trademark Trial and Appeal Board ("the Board") notified Applicant of the referenced proceedings by mail on December 31, 2002.
3. Applicant's answer was due to be filed forty (40) days from the date of mailing of the notice from the Board, namely by Monday, February 10, 2003.
4. As Applicant has not filed an Appearance or an Answer to the Notice of Opposition to date, Applicant is in Default.

DD

WHEREFORE, as Applicant is in Default and as Applicant has failed to show good cause why Default Judgment should not be entered against it, Opposer requests the entry of Default Judgment against Applicant.

Respectfully submitted,

Dated: February 24, 2003

LOTT & FRIEDLAND, P.A.



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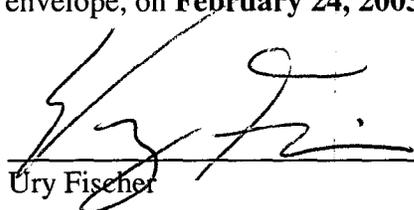
Counsel for Niles Audio Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing **MOTION FOR DEFAULT** are being served upon Applicant by delivering true and correct copies of same to counsel for Applicant as follows:

Stanley M. Schurgin
Weingarten, Schurgin, Gagnebin & Lebovic
Ten Post Office Square
Boston, MA 02109

via United States First Class mail, in a postage-paid envelope, on **February 24, 2003**.



Ury Fischer

TTAB

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TRANSMITTAL

Enclosed for filing please accept the following papers related to this proceeding:

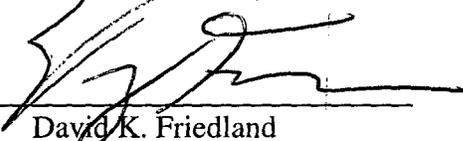
MOTION FOR DEFAULT

Also enclosed is our return postcard, which we would appreciate the mail room stamping as to the date received and returning to our offices. The Commissioner is authorized to charge any additional fees, or credit any overpayment, to Account No. 12-2155. A duplicate copy of this sheet is enclosed.

Date: February 24, 2003

Respectfully submitted,

LOTT & FRIEDLAND, P.A.



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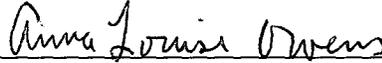
EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail Label: **EV202397894 US**
Date: **February 24, 2003**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail -- Post Office to Addressee" service on the date indicated above and is addressed to: Assistant Commissioner of Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513.

Anna-Louise Owens

Typed or printed name of person mailing paper or fee



Signature of person mailing paper or fee