

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Baxley

Mailed: November 5, 2003

Opposition No. **91154712**

Statek Corporation

v.

Dipl.-Ing Rainer Puls and  
Dipl.-Ing Oliver Puls

**Andrew P. Baxley, Interlocutory Attorney:**

The parties' stipulation (filed May 16, 2003) to extend applicants' time to answer is hereby approved. Applicants' time to answer is reset in accordance therewith.

Under such stipulation, applicants' answer was due (as last reset) in this case on June 15, 2003. Inasmuch as no answer is of record and applicants have not filed a motion to extend time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

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

Proceedings herein are suspended pending disposition of the notice of default. If the notice of default is set aside and proceedings herein are resumed, applicants' time

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to respond to opposer's motion (filed October 10, 2003) for summary judgment and opposer's motion (filed October 10, 2003) to compel will be reset.

Although the motion to compel as originally filed did not include proof of service upon applicants as is required by Trademark Rule 2.119(a), opposer filed proof of such service upon applicants on October 14, 2003.<sup>1</sup> Accordingly, the Board will consider the motion to compel.

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<sup>1</sup> However, it is noted that the opposer did not include proof of service of the October 14, 2003 filing upon applicants. Opposer is directed to serve a copy of that filing upon applicants' attorney within fifteen days of the mailing date of this order.