

TRADEMARK
 Attorney Docket
 No. 64-222-1

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

DURAMAX, INC.)	
)	
)	Opposer,
)	
v.)	Opposition No. 91156831
)	
DUAL-LITE INC.)	
)	
)	Applicant.)

Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3514

RESPONSE TO ORDER

Sir:

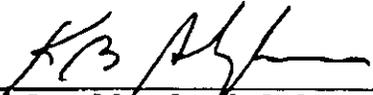
Applicant, Dual-Lite Inc., has received the Order mailed May 7, 2004 regarding entry of a default judgment for applicant's failure to file an answer or motion to extend therefor. On August 18, 2003, applicant filed a Letter of Express Abandonment (copy enclosed) with the U.S. Patent and Trademark Office. This express abandonment was done for business reasons without conceding that any of opposer's claims are valid. Accordingly, the default judgment should be withdrawn and a notice of abandonment should be issued in Application Serial No. 75/318,543.

Opposition No. 91156831

Respectfully submitted,

DUAL-LITE INC.

Dated: 5/25/2004

By 
K. Bradford Adolphson
Registration No. 30,927
Attorney for Applicant

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676

Opposition No. 91156831

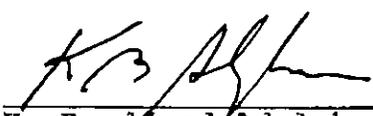
CERTIFICATE OF SERVICE AND MAILING

This hereby certifies that a copy of the foregoing RESPONSE TO ORDER was served by first-class mail and facsimile on Opposer's counsel, and the original was sent via facsimile (703-308-9333) and mailed to the U.S. Patent and Trademark Office on the date indicated below by depositing the same with the United States Postal Service as first-class mail, postage prepaid to:

Sean F. Mellino, Esq.
D. Peter Hochberg Co., L.P.A.
The Baker Building, 6th Floor
1940 East 6th Street
Cleveland, Ohio 44114

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Dated:

5/25/2004
K. Bradford Adolphson

TRADEMARK
Attorney Docket No.
64-222

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

In the matter of: Dual-Lite Inc.
Serial No.: 78/314,543
Filed: September 18, 2001
Mark: DURAMAX
Pub. Off. Gazette: April 8, 2003
Law Office: 109

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

LETTER OF EXPRESS ABANDONMENT

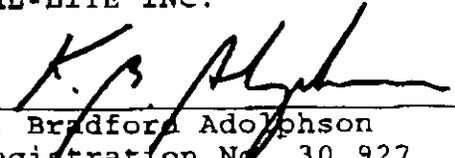
Sir:

Due to business reasons, applicant hereby expressly abandons the above-identified application. Such action should not be construed to be abandonment of the mark or any rights applicant has therein.

Respectfully submitted,

DUAL-LITE INC.

Dated: 8/15/03

By: 

K. Bradford Adolphson
Registration No. 30,927
Attorney for Applicant

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
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Serial No. 78/314,543

CERTIFICATE OF MAILING

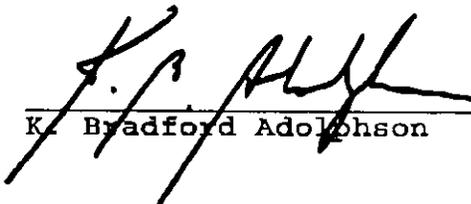
This hereby certifies that the foregoing LETTER OF EXPRESS ABANDONMENT was sent to Opposer's counsel, and the original was mailed to the Patent and Trademark Office on the date indicated below by depositing the same with the United States Postal Service as first-class mail, postage prepaid to:

Sean F. Mellino, Esq.
D. Peter Hochberg Co., L.P.A.
The Baker Building, 6th Floor
1940 East 6th Street
Cleveland, Ohio 44114

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Dated:

8/15/03



K. Bradford Adolphson

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FACSIMILE TRANSMISSION

TO: Linda Skoro
USPTO - TTAB

FAX NO.: (703) 308-9333

FROM: K. Bradford Adolphson

DATE: May 25, 2004

COMMENTS: _____

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Number of pages (including this transmittal page): 6

Acknowledgement Requested Yes x No

Confirmation Copy Sent x Yes No
via first class mail

WFV&A File No.: 64-222-1

PLEASE CALL IF THERE IS A PROBLEM WITH THIS TRANSMISSION