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

**C & K IMPORTING CO., INC, a
Corporation of the State of California**

) **Opposition No. 91157281**
) **Re: Application Serial No. 78149354**
) **Mark: CRISTOS**
) **Filed: July 31, 2002**
) **Published: April 15, 2003**

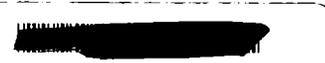
Opposer

vs.

ERIC GREEN, an Individual

) **MOTION FOR JUDGMENT**

Applicant



10-20-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #58

Comes now C & K IMPORTING CO., INC., Opposer herein, and moves this Board for a Judgment refusing registration to the mark "CRISTOS" of Serial No. 78149354, the mark Opposed herein. The grounds for this Motion are that the Applicant, ERIC GREEN, an individual has not filed an Answer to the Notice of Opposition.

By Board Order dated August 7, 2003, this Board instituted this Opposition and Applicant was given forty days to respond to the Notice of Opposition. The due date for Applicant's response was, therefore, September 16, 2003. No Answer or other pleading responsive to the Notice of Opposition, or otherwise has been received by Opposer.

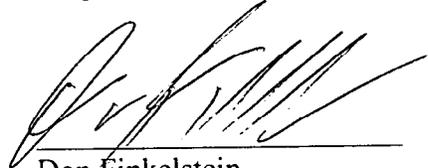
Consequently, pursuant to 37 CFR § 2.106 (a), it is respectfully requested that this Board decide this Opposition as in the case of Default and that the Opposition be sustained and registration of the Opposed mark be refused.

A copy of this Motion is being served on the Opposer by serving the Attorney to whom

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this Board mailed the Order of August 7, 2003

Respectfully submitted.



Don Finkelstein

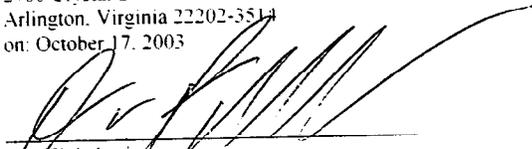
Attorney for:

Date: October 17, 2003

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I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail
addressed to:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514
on: October 17, 2003

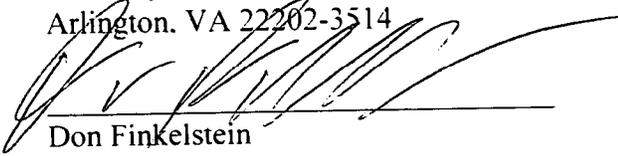


Don Finkelstein
Dated: October 17, 2003

CERTIFICATE OF MAILING

I hereby certify that the Original and Two Copies of the attached MOTION FOR JUDGMENT are being deposited in the United States Postal Service on October 17, 2003 as First Class Mail in an envelope, postage paid, addressed to :

COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, VA 22202-3514



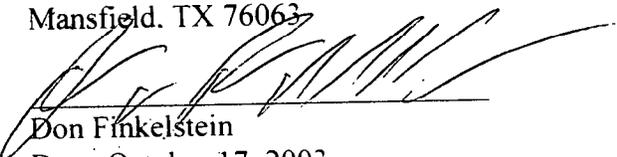
Don Finkelstein

Date: October 17, 2003

PROOF OF SERVICE

It is hereby certified that a true and correct copy of the foregoing: MOTION FOR JUDGMENT was served on Applicant on October 17, 2003 by first class mail postage prepaid in an envelope, addressed to:

Eric Karich
Law Offices of Eric Karich
2807 St. Mark Dr.
Mansfield, TX 76063



Don Finkelstein

Date: October 17, 2003