

DOCKET NO.: TA5292

SERIAL NO.: 76/492078

Examining Attorney: Charles L. Jenkins
Law Office: 105

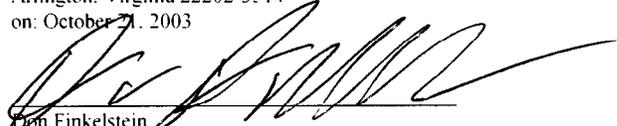
44113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: C &K IMPORTING CO., INC.
Serial No.: 76/492078
Filed: 02/24/2003
Mark: PAPA CRISTO'S
Class: 029. 043

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 21, 2003


Jon Finkelstein
Dated: October 21, 2003

TM Attorney: Charles L. Jenkins
Law Office: 105

SUPPLEMENTAL RESPONSE

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

Sir:

As a Supplemental Response to Office Action dated April 8, 2003, and to the Response dated October 8, 2003, please enter the following Remarks in the files and records hereof.

REMARKS

In the Response dated October 8, 2003, the undersigned advised Examining Attorney that Applicant would be filing a motion for Judgment in Opposition 91157281 filed by Applicant to prevent registration of the mark CRISTOS for use on coffee.

Enclosed with this Supplemental Amendment please find a copy of the Motion. When the Patent and Trademark Office sustains the Opposition and refuses the registration, it will remove this application as a potential ground for refusal to register.

Even absent a formal Refusal To Register Order by the Board, it is respectfully submitted

10-27-2003

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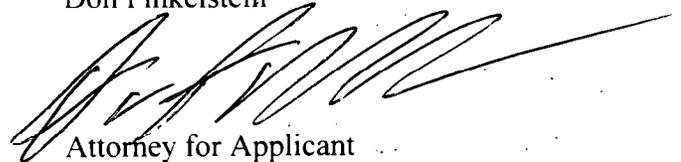
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

that the Response filed October 8, 2003 di put this application into condition for publicationas
there is no likelihood of confusion, mistake or deception with any of the marks cited by
Examining Attorney. See, for example, *Sleepmaster Products Company v. American Auto-Felt
Corporation* 104 USPQ 35 (Comr Pats 1954).

Respectfully submitted .

Don Finkelstein



Attorney for Applicant

Date: October 8, 2003

Don B. Finkelstein, Esq.
LAW OFFICES OF DON FINKELSTEIN
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COPY

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

C & K IMPORTING CO., INC, a)	Opposition No. 91157281
Corporation of the State of California)	Re: Application Serial No. 78149354
)	Mark: CRISTOS
)	Filed: July 31, 2002
)	Published: April 15, 2003
vs.)	
)	MOTION FOR JUDGMENT
ERIC GREEN, an Individual)	
)	
Applicant)	
_____)	

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.

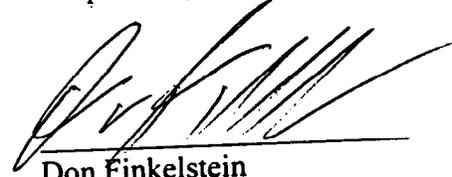
Consequently, pursuant to 37 CFR § 2.106 (a), it is respectfully requested that this Board decide this Opposition as in the case of Default and that the Opposition be sustained and registration of the Opposed mark be refused.

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

TC1127

this Board mailed the Order of August 7, 2003

Respectfully submitted.



Don Finkelstein

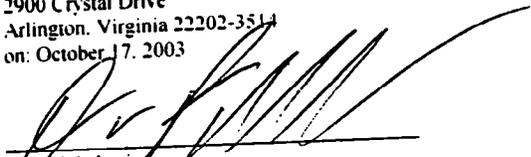
Attorney for:

Date: October 17, 2003

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

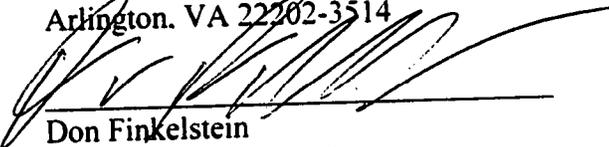


Don Finkelstein
Dated: October 17, 2003

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

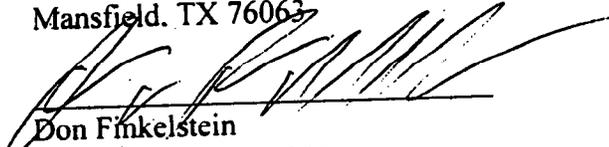


Don Finkelstein
Date: October 17, 2003

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