

TTAB

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

In the Matter of Application Serial No. 78/094,376
Published in the *Official Gazette* on August 19, 2003

-----X
DR PEPPER/SEVEN UP, INC., :
 :
 Opposer, :
 :
 - against - :
 :
 PAUL L. JORDAN, :
 :
 Applicant. :
-----X

Opposition No. 91158826

MOTION FOR ENTRY OF JUDGMENT

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


03-01-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

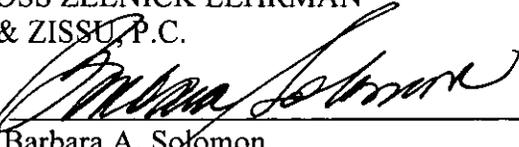
BOX TTAB - FEE

Opposer, Dr Pepper/Seven Up, Inc., pursuant to Rule 2.135 of the Trademark Rules of Practice, hereby requests that judgment be entered against the Applicant.

Pursuant to a Settlement Agreement reached between the parties and executed by Applicant on February 27, 2004, Applicant was required to abandon the 8.UP application with prejudice. A copy of the abandonment as signed by Applicant pursuant to the Agreement is attached as Exhibit A. Given this abandonment, and in light of the agreement between the parties, judgment must be entered against the Applicant and the opposition should be sustained.

Dated: New York, New York
March 1, 2004

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Barbara A. Solomon
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Express Mail" mailing label No.: EL997277920US

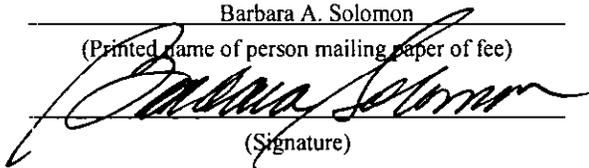
Date of Deposit: March 1, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Attorneys for Opposer Dr Pepper/Seven Up,
Inc.

Barbara A. Solomon

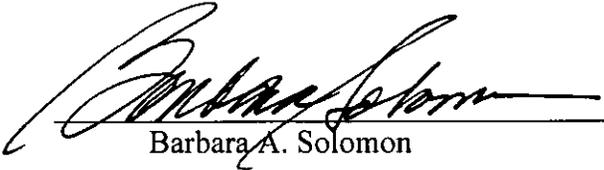
(Printed name of person mailing paper of fee)



(Signature)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion of Entry of Judgment was served by First Class Mail, postage prepaid, on Applicant, Paul L. Jordan on March 1, 2004 at Exotic, Inc. d/b/a Exotic Signs, 7928 Coral Street, #41, Hypoluxo, FL 33462-6157.



Barbara A. Solomon

I:\BSOLOMON\Dpsu\8.UP\MOTION FOR ENTRY OF JUDGMENT.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul L. Jordan
Serial No: 78-094376
Filed: November 20, 2001
Mark: 8UP and Design



03-01-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

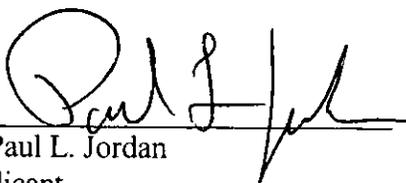
EXPRESS ABANDONMENT OF APPLICATION

Publication & Issue Division
Box - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Pursuant to Trademark Rule 2.68, Applicant hereby expressly abandons the above-identified trademark application with prejudice.

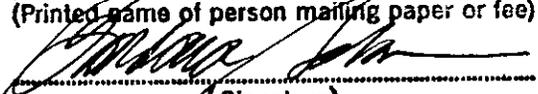
Dated: Hypoluxo, Florida
~~December~~ Feb 27, 2004

Respectfully submitted,

By: 
Paul L. Jordan
Applicant
7928 Coral Street #41
Hypoluxo, FL 33462

"Express Mail" mailing label No. EL997277920US
Date of Deposit March 1, 2004

I hereby certify that this paper or fee is being deposited with the United Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Barbara A. Solomon
(Printed name of person mailing paper or fee)

(Signature)