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Filing date: **02/15/2008**

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

Proceeding	91180586
Party	Plaintiff Abbott Laboratories
Correspondence Address	Raymond I. Geraldson, Jr. Pattishall, McAuliffe, Newbury, Hilliard & Gerald 311 South Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES rig@pattishall.com, dbl@pattishall.com, ksk@pattishall.com
Submission	Motion for Default Judgment
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Date	02/15/2008
Attachments	ksk bio motion.PDF (3 pages)(73314 bytes)

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

ABBOTT LABORATORIES,)	
)	
Opposer,)	
v.)	Opposition No. 91180586
)	
BIOCARE DIRECT, INC.,)	
)	
Applicant.)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Opposer, Abbott Laboratories, filed the above-captioned Notice of Opposition on November 2, 2007. On December 18, 2007, the Board issued an Order extending Applicant's time to Answer until January 16, 2008. To date, Applicant has not filed an Answer in this matter. Moreover, Applicant's counsel has, on several occasions, told Opposer's counsel that Applicant does not intend to answer its Notice of Opposition and, in fact, intends to abandon the opposed application.

As Applicant has failed to timely answer this Notice of Opposition and has expressed that it has no intention of doing so, Opposer respectfully requests entry of default judgment against Applicant in this proceeding in accordance with T.B.M.P. §§ 312.01 and 508.

In light of the above noted facts, the parties will not be having their initial discovery conference on February 15, 2008.

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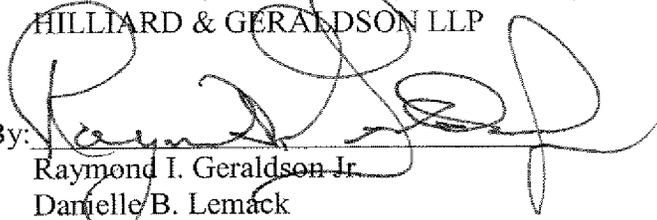
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WHEREFORE, Opposer respectfully requests that these proceedings be suspended pending a determination of this motion, default judgment be entered against Applicant, and registration of Application Ser. No. 77/007,953 be refused.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: February 15, 2008

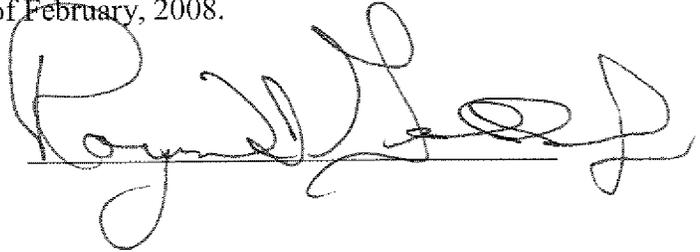
By: 

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CERTIFICATE OF SERVICE

I, Raymond I. Geraldson, Jr., hereby certify that a copy of the foregoing **MOTION FOR ENTRY OF DEFAULT JUDGEMENT** was served upon Michael E. Mangelson, Steel Rives, LLP, 201 South Main Street, Suite 1100, Salt Lake City, Utah 84111, via first-class mail, postage pre-paid, on this 15th day of February, 2008.

A handwritten signature in cursive script, appearing to read "Raymond I. Geraldson, Jr.", is written over a horizontal line.