

TTAB



03-21-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #26

TRADEMARK

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

In re Registration No. 1,549,039
Cancellation No. 24,336

In re Registration No. 2,049,444
Cancellation No. 28,449

Del-Rain Corporation,
v.
Pelko Electric Inc. and
Pelonis USA, Ltd.

Certificate of Mailing
I hereby certify that this paper or fee and the papers indicated as being deposited with the United States Postal Service as first class mail postage prepaid in an envelope addressed to the Assistant Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on March 19, 2002.
Alex R. Sluzas
Alex R. Sluzas, Reg. No. 28,669
Dated: March 19, 2002

Box TTAB
No Fee
Commissioner for Trademarks
Arlington, VA 22202-3513

MOTION TO RESUME PROCEEDINGS

Sir:

Respondents respectfully move the Board to resume proceedings in the above-referenced cancellation matters.

On June 8, 2001 the Board continued the suspension of the above-referenced cancellation proceedings pending final determination of an appeal taken to the United States Court of Appeals for the Second Circuit from the decision of the United States District Court for the Western District of New York.

On February 1, 2002 the United States Court of Appeals for the Second Circuit affirmed the judgment of the United States District Court for the Western District of New York. Del-Rain Corp. v. Pelonis USA, Ltd., 2002 WL 133754 (unpublished). A copy of the Second Circuit's Summary Order is attached to the accompanying Motion for Summary Judgment. The mandate of the Second Circuit was filed in the District Court on March 4,

K

2002, and the District Court ordered the mandate to be the Judgment of that Court on March 7, 2002.

Accordingly, resumption of the above-referenced cancellation proceedings is respectfully requested.

Date: March 19, 2002

Respectfully submitted,

Order No.: 9345


Alex R. Sluzas, Esq.
Reg. No. 28,669

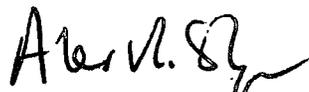
Paul and Paul
2900 Two Thousand Market St.
Philadelphia, PA 19103
(215) 568-4900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO RESUME PROCEEDINGS was served by depositing a copy of the same in the United States mail, first class, postage prepaid upon the following attorney of record for the Petitioner:

R. Joseph Trojan, Esq.
Trojan Law Offices
Rexford Plaza
9250 Wilshire Blvd., Suite 325
Beverly Hills, CA 90212

March 19, 2002



Alex R. Sluzas, Esq.