

TTAB

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



10-09-2002

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #78

ABTRAX PHARMACEUTICAL COMPANY d/b/a
SUMMIT HILL LABORATORIES,

Petitioner,

-against-

CARL FREUDENBERG,

Respondent.

Cancellation No.
: 27,275

02 OCT 24 PM 9:30

TRADEMARK
APPEALS
DIVISION
KAPLAN
&
LANDAU

TO:

BOX TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE

By Order mailed September 7, 2002, the Board observed that Petitioner had not filed a brief and gave Petitioner 30 days to show cause why this proceeding should not be dismissed.

Respectfully, this Cancellation proceeding was already resolved by Petitioner's Notice of Withdrawal With Prejudice of this and the related proceeding No. 27,232, duly served and filed with the Board on November 17, 2002, based on a settlement by the parties. Copies of the said two Notices of Withdrawal, as well as a copy of the Board's acknowledgment dated Dec. 20, 2000 with respect to the withdrawal of the related proceeding No. 27,232, are all annexed hereto. Petitioner speculates that the withdrawal in this matter was misfiled by the PTO in the file of the related proceeding No. 27,232.

In any event, the Board is requested to acknowledge the prior withdrawal of this proceeding duly served and filed November 17, 2000.

Respectfully submitted,

William J. Thomashower
KAPLAN, THOMASHOWER & LANDAU
26 Broadway
New York, NY 10004
(212) 593-1700

Attorneys for Petitioner

Dated: October 7, 2002

cc: Peter Felfe, Esq.
Attorney for Respondent

CERTIFICATE OF SERVICE AND MAILING

I hereby certify that a copy of the foregoing PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE in re Abtrax Pharmaceutical Company v. Carl Freudenberg, Cancellation No. 27,275 is being deposited with the United States Postal Service with sufficient postage prepaid as First Class mail in an envelope addressed to Respondent's Attorney as follows:

Peter Felfe
Fulbright & Jaworski
666 Fifth Avenue
New York, NY 10103

and that the original is being deposited with the United States Postal Service with sufficient postage prepaid as First Class mail in an envelope addressed to the TTAB as follows:

BOX TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

on October 7, 2002.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, New York on October 7, 2002.



William Thomashower

UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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PAT. & T.M. OFFICE

Cancellation No. 27,232

Abtrax Pharmaceutical
Company d/b/a Summit
Hill Laboratories

v.

Firma Carl Freudenberg

On November 20, 2000, petitioner filed a withdrawal of the petition to cancel with prejudice. In view thereof, the petition to cancel is dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*