

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

cab

Mail date: January 9, 2004

Cancellation No. 92/027,275

Abtrax Pharmaceutical Company,
dba Summit Hill Laboratories

v.

Carl Freudenberg

On January 21, 2003, the Board sent an order to show cause under Trademark Rule 2.128(a)(3) regarding counter-claim petitioner's (Carl Freudenberg) failure to file a brief on his counterclaim to cancel Abtrax Pharmaceutical's U.S. Registration No. 746,607.

Inasmuch as no response has been received, judgment is hereby entered against counter-claim petitioner (Carl Freudenberg) under Trademark Rule 2.128(a)(3), and the counterclaim to cancel U.S. Registration No. 746,607 is dismissed with prejudice.

***By the Trademark Trial
and Appeal Board***