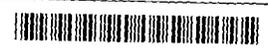


TTAB

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

STEVEN R. HYKEN,)
)
 Petitioner)
)
 v.)
)
 AST SPORTSWEAR, INC.,)
)
 Respondent.)

Cancellation No. 32,513



12-16-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

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

MOTION TO DENY PETITIONER'S MOTION
TO SUSPEND & RENEWED MOTION FOR
JUDGMENT AND BRIEF IN SUPPORT THEREOF

02 DEC 23 AM 5: 00

M A D A M :

Respondent hereby moves this honorable Board for an Order denying Petitioner's Motion to Suspend, and an Order entering judgment in favor of Respondent dismissing the captioned Petition for Cancellation, pursuant to 37 CFR § 2.120(g)(2).

On November 5, 2002, the Board ordered Petitioner to serve his Motion to Suspend, allegedly filed with the Board on August 29, 2002, on Respondent. Petitioner has failed to Comply with that Order. 1

1 Petitioner forwarded the attached letter of November 23, 2002 to Respondent, but never served Respondent with his alleged Motion to Suspend of August 29, 2002. Respondent notes that this is the second time that Petitioner has failed to comply with a Board Order.

Respondent respectfully requests that Petitioner's Motion to Suspend be denied and renews its Motion for Judgment filed with the Board on September 9, 2002.

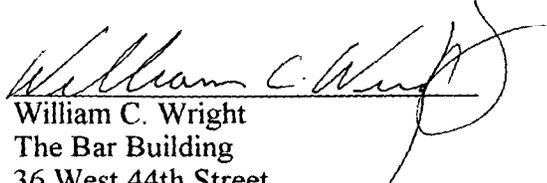
WHEREFORE, Respondent prays that the Board enter judgment against Petitioner with prejudice, on the merits, and without leave to replead.

Respectfully submitted,

GRAHAM, CAMPAIGN P.C.

Date: December 12, 2002

BY:

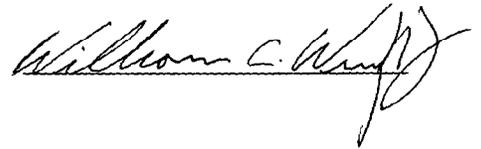

William C. Wright
The Bar Building
36 West 44th Street
New York, New York 10036-8178
(212) 354-5650

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing MOTION TO DENY PETITIONER'S MOTION TO SUSPEND & RENEWED MOTION FOR JUDGMENT AND BRIEF IN SUPPORT THEREOF in Cancellation No. 32,513 is being deposited with the U.S. Postal Service, via first-class mail, with sufficient postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, this 12th day of December, 2002.

Dated: December 12, 2002
New York, NY

BY:



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO DENY PETITIONER'S MOTION TO SUSPEND & RENEWED MOTION FOR JUDGMENT AND BRIEF IN SUPPORT THEREOF in Cancellation No. 32,513 was served by first class mail, postage prepaid, this 12th day of December, 2002 upon Petitioner:

Steve Hyken
8637 Kester Ave.
Panorama City, CA 91402

Dated: December 12, 2002
New York, NY

BY:

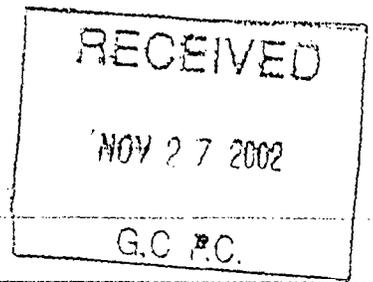


Nov. 23. 2002

AST Sportswear Inc.
Attorney William C. Wright
Graham Campaign P.C.

36 West 44th St

New York, New York 10036-8178



Dear Mr. Wright,

This is in regard to the Steven Hyken AKA
Johnny Blaze vs. AST Sportswear Inc.
Cancellation number is 92032513.
I have sent a letter to the Assistant
Commissioner for Trademarks - U.S.
Dept of Commerce - Patent and Trade-
mark office to suspend the
Cancellation Trademark hearing. I sent
you my 3rd set of Interrogatories
on the week of Oct 15, 2002.
Unfortunately, I don't have legal
counsel. Therefore - the real truth of
this matter is not coming out.

Thank you -

Sincerely,
Steven Hyken AKA Johnny Blaze
8637 Kester Ave.
Panorama City, Calif. 91402