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

SMP (INTERNATIONAL) PTY LTD., an
Australian corporation,

Petitioner,

v.

STEPHEN PRANGE, D/B/A SALES &
MARKETING PROFESSIONALS, an
individual,

Respondent-Registrant.

Cancellation No. 32,525

MOTION FOR ENTRY OF
DEFAULT AND MOTION TO
SUSPEND



06-10-2002

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

Petitioner, SMP (International) Pty Ltd., hereby moves the Trademark Trial and Appeal Board to enter default against the Registrant, Stephen Prange, in this cancellation proceeding.

This cancellation proceeding was initiated by Petitioner on July 23, 2001. On November 26, 2001, the Trademark Trial and Appeal Board mailed an Order to the Registrant forwarding a copy of the Petition for Cancellation, advising Registrant of the need to file a response to the Petition, and setting the discovery and testimony periods. Because the Order was returned as undeliverable, the Trademark Trial and Appeal Board sent a second Order on January 25, 2002 resetting the discovery and testimony periods and advising Registrant of the need to file an answer.

On February 22, 2002, Registrant filed a request for an extension of time to file an answer to the Petition for Cancellation, requesting that the answer be required to be filed by May 6, 2002.

An answer to the Petition for Cancellation has not yet been filed despite the actual knowledge of Registrant of this proceeding and of the need to file an answer to the Petition for Cancellation.

Based upon Registrant's failure to respond to the Petition for Cancellation despite its actual knowledge of the request for cancellation, Petitioner respectfully requests that default

1 and subsequent default judgment be entered against Registrant, resolving this cancellation
2 proceeding in favor of Petitioner and entering judgment in favor of Petitioner.

3 Petitioner also respectfully requests that the discovery and testimony periods in this
4 matter be suspended pending disposition of this Motion so that if Registrant responds to this
5 Motion for entry of default and a trial is required in this cancellation proceeding, Petitioner
6 will be permitted a reasonable opportunity to conduct discovery, file any appropriate motions,
7 and submit testimony in support of the Petition for Cancellation.

8 Dated this 6th day of June, 2002.

9 Respectfully submitted,

10 CHRISTENSEN O'CONNOR
11 JOHNSON & KINDNESS^{PLLC}

12 
13 Cindy L. Caditz
14 Attorneys for Petitioner

15 **CERTIFICATE OF MAILING**

16 I hereby certify that this MOTION FOR ENTRY OF DEFAULT AND MOTION TO
17 SUSPEND in Cancellation No. 32,525 is being deposited with the U.S. Postal Service in a
18 sealed envelope as first class mail with postage thereon fully prepaid addressed to: BOX
19 TTAB NO FEE, Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900
20 Crystal Drive, Arlington, VA 22202-3513, on 6-6-02.

21 Date: June 6, 2002 Jeffrey Harbert

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that this MOTION FOR ENTRY OF DEFAULT AND MOTION TO
24 SUSPEND in Cancellation No. 32,525 is being deposited with the U.S. Postal Service in a
25 sealed envelope as first class mail with postage thereon fully prepaid addressed to:

26 Stephen Prange
27 Sales & Marketing Professionals
4869 McGrath Street, Suite 100
Ventura, CA 93003

Date: June 6, 2002 Jeffrey Harbert

CLC:jh