

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: January 9, 2006

Cancellation No. 92041733

COLETTE BOUTBOUL

v.

KASEREI CHAMPIGNON HOFMEISTER KG

Jyll S. Taylor, Attorney:

Respondent's February 7, 2005 communication is noted. A review of the communication reveals that it is, in essence, a request for status information regarding involved Registration No. 1379363.

Respondent should note that on February 25, 2003, a petition to cancel Registration No. 1379363 was filed. The Board forwarded a copy of the petition along with a notice instituting the above referenced proceeding to respondent, but the notice, with enclosure, was returned as undeliverable.

In that regard, if, in a cancellation proceeding, the respondent's copies of the petition to cancel and notification are returned to the Board as undeliverable, the Board will send an inquiry to the petitioner asking the petitioner for information concerning respondent's current address. If the petitioner files a response indicating that

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the respondent is no longer in business, notice of the filing of the petition to cancel will be published in the *Official Gazette*, pursuant to 37 CFR § 2.118. If the petitioner fails to file a response to the Board's inquiry, or files a response indicating that it is unable to furnish respondent's current address, the Board will make all reasonable efforts to locate the respondent. If the Board is unable to locate the respondent after reasonable investigation, notice of the filing of the petition to cancel will be published in the *Official Gazette*.

When notice of the filing of a petition to cancel is published in the *Official Gazette*, the published notice allows the respondent thirty days from the publication date thereof in which to appear in the cancellation proceeding. If respondent fails to appear within the time allowed, default judgment may be entered against respondent. See TBMP § 310.02 (2d ed., rev. 2004) and the authorities cited therein.

In this case, notice of the proceeding was published in the *Official Gazette* on November 4, 2003. When respondent did not appear in response to the published notice, default judgment was entered against respondent on June 2, 2004 and Registration No. 1379363 was cancelled.

The Board notes the appearance of Klaus Lewinsky of the firm Lewinsky & Partner (Germany) on behalf of respondent.

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Mr. Lewinsky should note that, as a general rule, foreign counsel may not represent a party before the United States Patent and Trademark Office. See Trademark Rule 10.14(c). See also TBMP § 114.05 (2d ed., rev. 2004). A courtesy copy of this order has been sent to Mr. Lewinsky.
