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

Proceeding	92041973
Party	Plaintiff Ecotherm Inc.
Correspondence Address	Kristina M Foudray Merchant & Gould PC P.O. Box 2910 Minneapolis, MN 55402
Submission	Motion for Default Judgment
Filer's Name	Kristina M. Foudray
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Date	01/26/2004
Attachments	Motion for Default Judgment.pdf (3 pages)

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

ECOTHERM INC.,)	
)	Cancellation No. 92041973
Petitioner,)	
)	Mark: MAX
v.)	
)	Reg. No. 1517127
UHR CORPORATION,)	
)	
Registrant.)	
_____)	

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND BRIEF IN SUPPORT OF MOTION**

Pursuant to TBMP § 508, Petitioner brings this motion for entry of a Default Judgment for against Registration No. 1517127.

FACTUAL BACKGROUND

Petitioner filed its Petition to Cancel on April 8, 2003. The Trademark Trial and Appeal Board ("The Board") served the Petition to Cancel on Registrant on May 13, 2003 starting this proceeding. To date, Petitioner has not received Registrant's Answer to Petitioner's Petition to Cancel. By review of the PTO's BISX website, Petitioner notes that no Answer has been filed with the Board to date, despite the deadline issued of June 22, 2003 for Registrant to file its Answer.

ARGUMENT

Pursuant to TBMP § 312, if no answer is filed to a Petition to Cancel within the time set, the petition may be decided as in case of default. Failing to submit an answer to Petitioner's Petition to Cancel, Registrant is now in default.

Accordingly, Petitioner submits that Registrant's failure to serve an Answer in this cancellation proceeding renders the registration cancelled. Petitioner requests that the Board enter a Default Judgment against Registrant and in favor of Petitioner, pursuant to 37 CFR § 2.127(a).

CONCLUSION

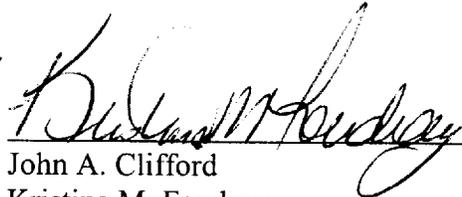
For good cause shown, Petitioner requests that the Board enter a default judgment against Registration No.1517127.

Respectfully submitted,

ECOTHERM INC.

By its Attorneys,

Date: Jan 26, 2004

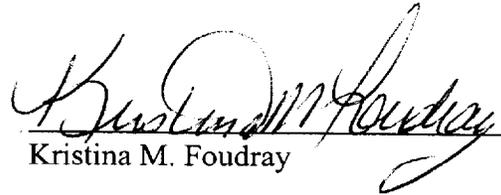


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CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing MOTION FOR ENTRY OF DEFAULT JUDGMENT AND BRIEF IN SUPPORT OF MOTION regarding Registration No. 1517127 is being deposited with the U.S. Postal Service by First Class Mail on this 26th day of January, 2004, in an envelope addressed to:

UHR Corporation
4562 Eisenhower Avenue
Alexandria, VA 22304


Kristina M. Foudray