



10-31-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

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

In the matter of Registration No. 64588

Malcolm & Co. LLC

Petitioner,

v.

Craddock-Terry, Inc.,

Registrant.

Cancellation No. 92042333

Serial No. 71 | 026,175

PETITIONER'S MOTION FOR ENTRY OF JUDGMENT BY DEFAULT  
PURSUANT TO 37 C.F.R. 2.114(a)

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Dear Sir:

Petitioner, Malcolm & Co. LLC, hereby moves the Trademark Trial and Appeal Board to enter a judgment by default in favor of Petitioner and against Registrant, canceling registration of Registrant's mark, Registrant No. 64,588.

On August 1, 2003, a Petition for Cancellation of Registration No. 64,588 was filed by Petitioner. The Trademark Trial and Appeal Board instituted the Cancellation proceeding on August 22, 2003, and an answer was due by October 1, 2003.

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Neither as of October 1, 2003, nor as of the date written below, has the undersigned been served with an Answer to the Petition for Cancellation, and presumably, none has been timely filed and served.

Accordingly, Petitioner respectfully requests that Entry of Default Judgment, in favor of Petitioner, be granted, pursuant to 37 C.F.R. 2.114(a).

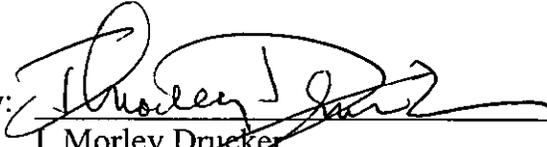
Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

Dated: \_\_\_\_\_

10/28/03

By: \_\_\_\_\_

  
I. Morley Drucker

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Services with sufficient postage as First Class Mail in an envelope addressed to:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Dated: 10/28/03 By: Gayle K. Makishi  
Gayle K. Makishi

CERTIFICATE OF SERVICES

It is hereby certified that a true copy of the foregoing:

PETITIONER'S MOTION FOR ENTRY OF JUDGMENT BY DEFAULT  
PURSUANT TO 37 C.F.R. 2.114(a)

is being deposited with the United States Postal Services as first class mail in an envelope addressed to:

Craddock-Terry, Inc.  
601 Twelfth Street  
P. O. Box 10088  
Lynchburg, Virginia 24506

W. Alan Smith Jr., Esq.  
P. O. Box 957  
Lynchburg, Virginia 24505

Dated: 10/28/03 By: Gayle K. Makishi  
Gayle K. Makishi