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

Proceeding	92042618
Party	Plaintiff THE PINK ADOBE, INC.
Correspondence Address	SUZANNE C. ODOM WHITE, KOCH, KELLY & MCCARTHY, P.A. POST OFFICE BOX 787 SANTA FE, 87504-0787
Submission	Motion for Default Judgment
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Date	07/01/2004
Attachments	Motion for Default.pdf (2 pages)

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

Cancellation No. 92042618
Reg. No. 1554940

THE PINK ADOBE, INC.,

Petitioner,

vs.

WILLIAMS FOODS, INC.

Respondent.

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER

Petitioner, The Pink Adobe, Inc., through its undersigned counsel moves the Board pursuant to 37 C.F.R. §§ 2.114(a) and 2.127(a) and Fed. R. Civ. P. 55 for a default judgment against Respondent for failing to file a timely answer to Petitioner's Amended Petition to Cancel, and as grounds for its Motion states as follows:

1. Under 37 C.F.R. § 2.114(a) and Fed. R. Civ. P. 55, if no answer to a petition for cancellation is filed within the time set, the petition may be decided as a case in default.
2. Petitioner filed its Amended Petition to Cancel ("Petition") in this proceeding on December 5, 2003. The Board thereafter mailed a corrected notice instituting the above referenced proceeding (the "Notice"), together with a copy of the Petition to Respondent on May 11, 2004.
3. Pursuant to the Notice, Respondent was required to answer the Petition on or before June 21, 2004 (forty days from the date of mailing of the Notice).

4. As of the date of this Motion, Respondent has not answered or otherwise responded to the Petition, nor has Respondent moved for an extension of time within which to do so.

WHEREFORE, Petitioner prays that default judgment against Respondent canceling its mark listed under Reg. No. 1554940 be entered automatically pursuant to 37 C.F.R. § 2.127(a) unless Respondent files a timely response demonstrating good cause why default judgment should not be entered against it.

Respectfully submitted,

WHITE, KOCH, KELLY & McCARTHY, P.A.

By: / Suzanne C. Odom/
SUZANNE C. ODOM
Attorneys for Petitioner
Post Office Box 787
Santa Fe, New Mexico 87504-0787
(505) 982-4374

Dated: July 1, 2004

CERTIFICATE OF FILING

I hereby certify that this Motion for Default is being filed via the Electronic System for Trademark Trials and Appeals on this 1st day of July, 2004.

/Suzanne C. Odom/
SUZANNE C. ODOM

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing Motion for Default has been served on Respondent Williams Foods, Inc. by mailing said copy on July 1, 2004, via First Class Mail, postage pre-paid, to: 13301 West 99th Street, Lenexa, Kansas 66215.

/Suzanne C. Odom/
SUZANNE C. ODOM