

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

WHITE/BUTLER

Mailed: February 10, 2011

Cancellation No. 92053408

Anthony Kleinsmith

v.

Immune-Tree International,
Inc.

Veronica P. White, Paralegal Specialist:

This Office has been unable to effect service of notice of this proceeding on the respondent. Accordingly, it will be necessary before proceeding herein to give notice by publication in the Official Gazette, as prescribed by Trademark Rule 2.118.

Pending such publication, proceedings herein are suspended.¹

¹ Petitioner's motion (filed January 31, 2011) for default judgment for respondent's failure to answer is noted. The motion is premature because the institution order to respondent was returned as undeliverable. In such cases, the Board first attempts to ascertain a better address for respondent. If the Board is not able to do so, the Board then, as here, effects notice by publication. If respondent does not respond to the notice by publication, default judgment is entered. See TBMP § 310.02 (2d ed. rev. 2004) for further explanation.