

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

Lykos

Mailed: March 28, 2008

Concurrent Use No. 94002211

ABC Glass Enclosures, LLC

v.

John L. Thompson, Jr. and  
Cynthia L. Thompson

On August 15, 2007, the Board sent a notice of default to concurrent users John L. Thompson, Jr. and Cynthia L. Thompson because no answer had been filed.

The record shows no response thereto.

Accordingly, judgment by default is hereby entered against the concurrent users in this case.

Concurrent use applicant, ABC Glass Enclosures, LLC still has the burden of establishing its entitlement to registration. In this particular case, the concurrent use applicant may prove its entitlement against the defaulting users by less formal procedures (i.e. submission of affidavit evidence) than those normally required for inter partes proceedings. See TBMP § 1107 (2d ed. rev. 2004) and cases cited therein.

Accordingly, ABC Glass Enclosures is allowed until sixty (60) days from the mailing date of this order to submit such proof of its entitlement to registration.

Proceedings are otherwise suspended.