

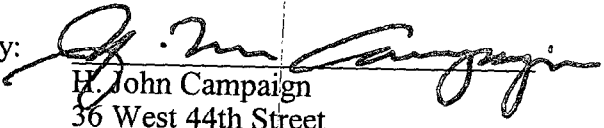
was predicated on the erroneous legal assumption that such a notice served as testimony for the purpose of undermining Applicant's stated and verified intention to use. There is no legal obligation for an Intention to Use Applicant to arrange for use of an applied for mark prior to successful navigation of the opposition period and at the very least the issuance of a Notice of Allowance. To hold otherwise would defeat the purpose of the Intention to Use basis for an application and lay the groundwork for a multiplicity of oppositions on spurious grounds. If the mark is never used, the registration does not issue.

WHEREFORE, Applicant moves for dismissal of the Notice of Opposition on the ground that upon the law and the facts Opposer has shown no right to relief.

Respectfully Submitted,

Date: November 27, 2002

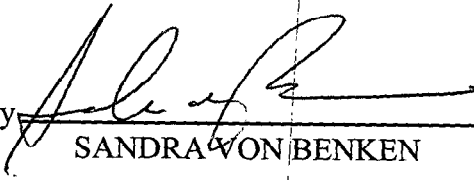
By:


H. John Campaign
36 West 44th Street
New York, New York 10036-8178
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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing MOTION TO DISMISS and BRIEF in Opposition No. 122,837 is being deposited with the U.S. Postal Service, via First-Class mail, with sufficient postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, this 27th day of November, 2002.

Dated: November 27, 2002
New York, NY

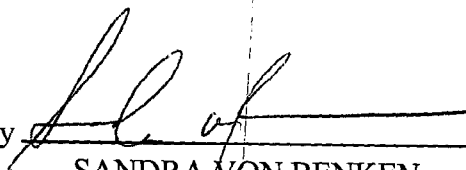
By 
SANDRA VON BENKEN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO DISMISS and BRIEF in Opposition No. 122,837 was served by First Class mail, postage prepaid, this 27th day of November, 2002 upon Opposer's attorney of record:

Jeremiah Lynch, Esq.
Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Dated: November 27, 2002
New York, NY

By 
SANDRA VON BENKEN