

TTAB

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

CENTRAL MFG. CO.
(a Delaware Corporation)
P.O.Box 35189
Chicago, IL 60707-0189

Opposition No: 124,923
Trademark: **STEALTH**

02 AUG -9 AM 8:44
TRADEMARK TRIAL AND
APPEAL BOARD

vs. Opposer,

Application SN: 75-691,003

DBNA TRADEMARKS HOLDINGS, INC.
(A Delaware Corporation)
300 Delaware Avenue, Suite 1704
Wilmington, Delaware 19801

Int. Class No: 07

Filed: April 26, 1999

Applicant.

TTAB/NO FEE



08-05-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #7

MOTION FOR RULE 11 SANCTIONS

NOW COMES the Opposer and asserts that the Applicant is guilty of Rule 11 Sanctions for the filing of it's Objection to Motion for Default (Exh. 1) The representative of the Opposer had a conversation with the Applicant on June 18, 2002 and attorney for the Applicant, Mr. Bowman, advised the Opposer representative Leo Stoller to file a Motion for Default, Exh. 2., "because the Applicant was not going to defend this opposition and had lost interest in it". Opposer asserts that Applicant's said pleading objection to Motion for Default thus falls squarely within the perimeters upon which a Motion for Rule 11 Sanctions should be granted against the Applicant and in favor of the Opposer.

Applicant's said objection to Motion For Default filed before the Trademark Trial and Appeal Board was merely "presented for any improper purpose, such as to harass or to unnecessary delay or needlessly increase the cost of this litigation". It is important for the Board to note that the Applicant does not deny any of the central allegations contained in Opposer's Motion for Default, nor does Mr. Joseph B. Bowman in his Objection for Motion for Default, the conversation that took place between him and Mr. Stoller wherein Mr. Bowman directed Mr. Stoller to file the said Motion for Default. Such duplicity should not and cannot be tolerated by the TTAB and the Opposer demands that the Applicant be sanctioned in the form of denial of Application SN: 75,691,003 and enter a judgment in favor of the Opposer and against

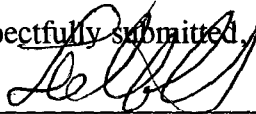
the Applicant.

Sanctions If, after notice and reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may subject to the conditions stated below, impose an appropriate sanction upon the ...parties that have violated subdivision (b) or are responsible for the violation.

The quoted provisions of Federal Rule 11 apply to pleadings, motions and other papers filed before the Court.

WHEREFORE, the Opposer prays that the Board grant it's Motion for Rule 11 Sanctions and enters a judgment in favor of the Opposer and against the Applicant, denying the Applicant registration of it's said Application SN: 75,691,003 with prejudice. And to grant the Opposer whatever other relief the Board feels its just and proper.

Respectfully submitted,



CENTRAL MFG. CO, Opposer
Leo Stoller, President
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189

Dated: July 11, 2002

773 283-3880 FAX 708 453-0083

Certificate of Mailing

I hereby certify that the foregoing document is being sent by
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Arlington, Virginia 22202-3513


Leo Stoller

Date: 8/02/02

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U.S. Postal Service, postage prepaid, in an envelope addressed to:


on 7/11/02 and again on 8/02/02

Joseph B. Bowman, Esq.
SHOOK, HARDY & BACON, L.L.P.
One Kansas City Place
1200 Main Street
Kansas City, MO 64105-2118


Leo Stoller

July 11, 2002

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Aug. 02, 2002


Respectfully submitted,

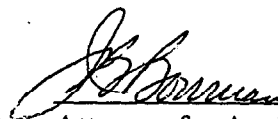


Joseph B. Bowman
SHOOK, HARDY & BACON L.L.P.
One Kansas City Place
1200 Main Street
Kansas City, Missouri 64105-2118
(816) 474-6500
ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Objection to Motion for Default was served this 9th day of July, 2002, by mailing a copy thereof, via first-class mail, postage prepaid, to Opposer's attorneys as follows:

Leo Stoller
Central Manufacturing Co.
Trademark & Licensing Dept
PO Box 35189
Chicago, IL 60707-0189



Attorney for Applicant

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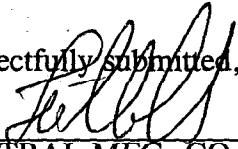
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MOTION FOR DEFAULT

Opposer moves the Board to enter a default judgment in favor of the Opposer, sustaining Opposer's Opposition. On June 18, 2002, the representative of the Opposer, Leo Stoller, contacted Mr. Joseph B. Bowman, Esq., counsel for the Applicant, requesting a time certain when the Applicant was going to respond to Opposer's outstanding discovery which was served on February 21, 2002. Mr. Bowman stated that the Applicant was not going to respond to Opposer's discovery and would not defend this Opposition. Mr. Bowman told Leo Stoller that he should file a request for a default judgment.

WHEREFORE, Opposer requests that the Board enter judgment in favor of the Opposer, sustaining Opposer's Opposition.

Respectfully submitted,


CENTRAL MFG. CO, Opposer
Leo Stoller, President
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189
773 283-3880 FAX 708 453-0083

Dated: June 18, 2002

DECLARATION

The undersigned, Leo Stoller, declares: that he is Director of Leo Stoller dba Central Mfg. and the President of ~~CENTRAL MFG. CO.~~ a closely related company, both founded and operated by Leo Stoller as such, is authorized to execute this document on its behalf, that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: June 18, 2002

By: 

Leo Stoller

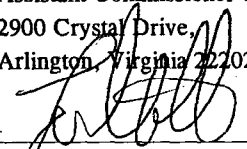
By: 

Leo Stoller, President
CENTRAL MFG. CO.

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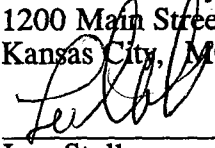

Leo Stoller

June 18, 2002

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Joseph B. Bowman
SHOOK, HARDY & BACON, L.L.P.
One Kansas City Place
1200 Main Street
Kansas City, MO 64105-2118


Leo Stoller

June 18, 2002

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