

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

HAGGERTY ENTERPRISES, INC.,

Opposer,

v.

ROSE ART INDUSTRIES, INC.,

Applicant.

[REDACTED]
03-13-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt: #77

Opposition No. 152,891

MOTION FOR A DEFAULT JUDGEMENT

Applicant filed an Express Withdrawal of Application Serial No. 76/335,477 on February 7, 2003, which is the subject of the above-identified Opposition. A copy of the Express Withdrawal is enclosed. Opposer did not consent to the withdrawal. Accordingly, judgement should be entered against the applicant in accordance with 37 C.F.R. § 2.135.

Discovery closes in this case on April 6, 2003. In view of the withdrawal of Applicant's application, it is respectfully requested that, if necessary, proceedings be stayed pending action on Opposer's motion for default judgement.

Respectfully submitted,



Lori S. Meddings
Attorney for Opposer

P.O. Address

Michael, Best & Friedrich
100 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 271-6560

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR A DEFAULT JUDGEMENT has been served on Applicant by sending the same by first class mail, postage prepaid to Applicant's attorney: Robert W. Smith, McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Newark, NJ 07101-0652, on this 18th day of March, 2003.



Therese A. O'Neil

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USOP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rose Art Industries, Inc.
Mark : LAVA
Serial No. : 76/335,477
Filing Date : 11/7/01

Patent & Trademark Office
U.S. Patent & Trademark Office

FEB 07 2003

U.S. PATENT & TRADEMARK OFFICE
MILWAUKEE, WI

**EXPRESS WITHDRAWAL OF APPLICATION
UNDER 37 C.F.R. §2.68**

February 7, 2003

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sirs:

Pursuant to 37 C.F.R. §2.68, Applicant hereby expressly abandons the above-referenced trademark registration application.

Respectfully submitted,

Robert W. Smith
ROBERT W. SMITH
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07101-0652
(973) 622 - 4444

RWS:dap
cc: Lori S. Meddings, Esq.

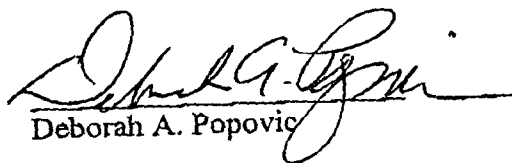
*See attached
h.c.
2-11*

Serial No. 76/335,477
Mark: LAVA
Page 2

CERTIFICATE OF EXPRESS MAIL
UNDER 37 CFR 1.10

Express Mail mailing label number: EV 105128369 US
Date of Deposit: February 7, 2003

I hereby certify that the foregoing Express Withdrawal of Application for LAVA is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.


Deborah A. Popovic

Date: February 7, 2003

NWK2: 1017363.01

**MICHAEL BEST
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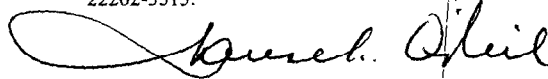
Offices in:
Madison, Wisconsin
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Manitowoc, Wisconsin
Chicago, Illinois
(Michael Best & Friedrich LLC)
Lehigh Valley, Pennsylvania

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March 10, 2003

Box TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

I, Therese A. O'Neil, hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail on the date of my signature and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.



Date: March 10, 2003


Re: Trademark Opposition to Serial No. 76/335,477

Dear Sir:

Enclosed please find the original Motion for a Default Judgment and a copy of the Express Withdrawal in the above-referenced matter.

Very truly yours,

MICHAEL BEST & FRIEDRICH LLP


Lori S. Meddings

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Enclosures

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03-13-2003
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