

TTAB

**TRADEMARK
Docket No. XRP-63738**

I hereby certify that this correspondence is being deposited in an envelope via **FIRST CLASS MAIL** addressed to: Commissioner for Trademarks, Box TTAB - NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on **November 7, 2003**.

By: 
LEONARD D. MESSINGER

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

In the matter of:

Serial No.: 76/142,288
Filed: October 10, 2000
Mark: Xtreme Racing Products XRP
Applicant: XRP, Inc.



11-10-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #78

AUTOMOTIVE RACING PRODUCTS,

Opposer

v.

XRP, INC.,

Applicant

Opposition No. 91154623

**RESPONSE TO ORDER TO SHOW CAUSE WHY JUDGMENT BY DEFAULT
SHOULD NOT BE ENTERED**

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202

To the Assistant Commissioner of Trademarks:

On October 9, 2003, the Trademark Trial and Appeal Board (TTAB) issued an Order to Show Cause why default judgment should not be entered against applicant in the above-referenced opposition, for failure to file an answer to the Notice of Opposition.

Applicant was not required to answer the Notice of Opposition because the opposition was dismissed by opposer on June 26, 2003. Enclosed is a copy of the Dismissal of Opposition and Certificate of First Class Mailing, executed on that date by opposer's attorney. Additionally, enclosed is a photocopy of the postcard forwarded to the TTAB by opposer's counsel, showing actual receipt by the U.S. Patent and Trademark Office mail department on July 2, 2003.

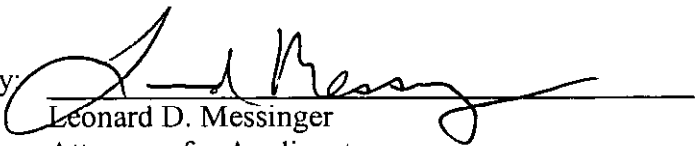
Under the circumstances, because the opposition had been dismissed and no answer could be filed, applicant respectfully submits that it has shown cause why the default should not be entered and requests that the records of the Trademark Trial and Appeal Board be updated to show that the opposition has been dismissed.

If the Board has any questions regarding this matter, applicant's attorney requests that it telephone him to discuss the matter.

DATED: November 7, 2003

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Leonard D. Messinger
Attorneys for Applicant

Enclosures: Dismissal of Opposition w/reply postcard

FULWIDER PATTON LEE & UTECHT, LLP
Howard Hughes Center
6060 Center Drive, 10th Floor
Los Angeles, California 90045
Phone No. (310) 824-5555
Facsimile No. (310) 824-9696

Attorney Docket No. 02-11563

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

AUTOMOTIVE RACING PRODUCTS, INC.,)
a California corporation,)

OPPOSER,)

vs.)

XRP, Inc., a California corporation,)

APPLICANT.)

Opposition No 91154623
Serial No. 76/142,288
Mark: Xtreme Racing Products XRP
Applicant: XRP, Inc.
Filed: October 10, 2000
Published: November 26, 2002



COMMISSIONER FOR TRADEMARKS
Box TTAB - NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

11-10-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #78

DISMISSAL OF OPPOSITION

Opposer Automotive Racing Products, Inc. hereby dismisses the above-identified
Opposition.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: June 26, 2003

Donald M. Cislo, Esq.
CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211
Tel: (310) 451-0647
Fax: (310) 394-4477

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the original and two (2) copies of this document are being deposited with the United States Postal Service as First Class Mail, postage affixed, in an envelope addressed to:


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and further certify that a copy of the foregoing document is being served on the following via United States Mail, First Class postage prepaid to:

**Leonard D. Messinger, Esq.
Fulwider Patton Lee & Utecht, LLP
6060 Center Drive, 10th Floor
Los Angeles, California 90045**

On: 6-26-03

Dated: June 26, 2003


Donald M. Cislo
Reg. No. 22,060

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Client: ARP Matter: TRP OPPOSITION

Serial No. _____ Filed _____ Docket No. 02-11563

- Transmittal Letter
- Application Pat. Spec. Pgs. _____ Claims Pgs. _____ Dwg. Pgs. _____ Abstract Pgs. _____ T.M. Cop.
- Declaration and Power of Attorney _____
- Check Amt. _____
- Amendment and Response Pat. T.M.
- Verified Statements Claiming Small Entry
- PTO-1449 Information Disclosure Citation
- PTO-1595 and Certificate Under 37 CFR
- Others DISMISSAL T2
- Acknowledgment Card



Bus. Concern
Statement

07-02-2003

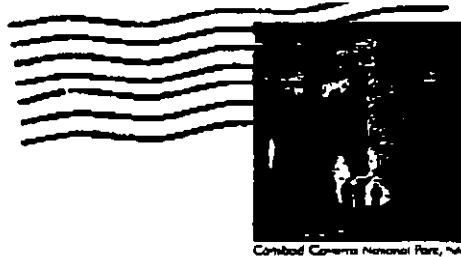
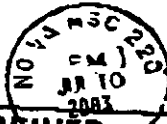
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Kindly acknowledge receipt of a _____ postcard.

Thank you. CISLO & THOMAS LLP (310) 451-0647 FAX (310) 394-4477

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CISLO & THOMAS LLP

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 6060 Center Drive, Tenth Floor, Los Angeles, California 90045.

On November 7, 2003, I served the following document(s) described as

**RESPONSE TO ORDER TO SHOW CAUSE WHY JUDGMENT BY DEFAULT
SHOULD NOT BE ENTERED**

on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Donald M. Cislo, Esq.
CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, CA 90401
Fax No. (310) 394-4477

- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 7, 2003, at Los Angeles, California.



Robert Fiore