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

In the Matter of Application Serial No. 76/421,568
For the Mark: INFINITI
Date of Publication: January 7, 2003
Opposition No. 91156447
Interlocutory Attorney: Nancy L. Omelko

NISSAN JIDOSHA KABUSHIKI
KAISHA d/b/a NISSAN MOTOR CO., LTD.
and NISSAN NORTH AMERICA, INC.,

v.

TARGET BRANDS, INC.

RESPONSE TO NOTICE OF DEFAULT

Dear Ms. Omelko:

I have received correspondence from you concerning a Notice of Default for failure to answer. Target was in the process of withdrawing our application with the consent of Opposer. The Statement of Withdrawal of Application by Applicant Without Prejudice and With Consent of Opposer is dated as of June 10, 2003, a copy of which is enclosed. I apologize for the fact that your office did not receive it until July 31, 2003 and respectfully request that the notice of default be withdrawn since the parties amicably resolved the matter and that the consented withdrawal of application be so noted.

Respectfully submitted,

Shayne L. Brown

Shayne L. Brown, Esq.
Corporate Counsel
1000 Nicollet Mall, TPS 3165
Minneapolis, Minnesota 55403

enclosures

08-22-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

08/12/2003 TTAG

Shayne

AUG 04 2003

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 31, 2003

Opposition No. 91156447

Nissan Jidosha Kabushiki
Kaisha, also trading as
Nissan Motor Co., Ltd. and
Nissan North America, Inc

v.

Target Brands, Inc.

Nancy L. Omelko, Interlocutory Attorney:

Answer was due in this case on July 9, 2003. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

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

In the Matter of Application Serial No. 76/421,568
For the Mark: INFINITI
Date of Publication: January 7, 2003
Opposition No. 156,447

ENTERED 7-28-03

NISSAN JIDOSHA KABUSHIKI
KAISHA d/b/a NISSAN MOTOR CO., LTD.
and NISSAN NORTH AMERICA, INC.,

Opposers,

v.

TARGET BRANDS, INC.

Applicant.

STATEMENT OF WITHDRAWAL OF APPLICATION BY APPLICANT WITHOUT PREJUDICE AND WITH CONSENT OF OPPOSER

Pursuant to 37 C.F.R. Section 2.68, Applicant Target Brands, Inc. hereby withdraws, without prejudice, its application for the registration of the mark INFINITI. By the signature of its counsel below, Opposers Nissan Jidosha Kabushiki Kaisha d/b/a Nissan Motor Co., Ltd. and Nissan North America, Inc., indicate their consent to this withdrawal, without prejudice, by Applicant.

Dated: June 10, 2003

TARGET BRANDS, INC.

By: Shayne L. Brown
Shayne L. Brown, Esq.
TPS 3165
1000 Nicollet Mall
Minneapolis, Minnesota 55403
Corporate Counsel

LATHAM & WATKINS ILLINOIS LLC

By: Matthew W. Walch
Matthew W. Walch, Esq.
Sears Tower, Suite 5800
233 S. Wacker Drive
Chicago, Illinois 60606
Attorney for Opposers

FROM LATHAM & WATKINS ILLINOIS LLC (MON) 7. 21' 03 12:45/ST. 12:45/NO. 4861980400 P 2

07/28/2003 STAYE

TRADEMARK

Serial/Reg. No. 76/421,568 Filing/Reg. Date June 14, 2002

Applicant: Target Brands, Inc.

Title INFINITI Docket No. 2002-000120

This will acknowledge receipt of the following by the Assistant Commissioner of Trademarks:

☐ Actual Use ☐ Intent-to-Use Trademark Application
Including: ☐ Cover Letter ☐ Drawing ☐ Specimen(s)
☐ Response to Office Action
☐ Statement of Use/Amend
☐ _____Request for Ex
☐ Trademark Assignment R
☐ Section 8 Declaration ☐
☐ Renewal Application Incl
☐ Notice of Opposition ☐

[redacted] icns_____

07-31-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #58

ding No. of Specimens _____

☒ Other: Statement of withdrawal of Appln. by Applicant w/o Prejudice and w/ consent of Opposer
☒ Charge Deposit Account No. 20-0089
☐ Certificate of Mailing ☐ Proof of Service

Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202
Date Mailed: 7/28/03

Initials JAD