

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

In the Matter of Application Serial No. 76/441636  
Filed August 14, 2002  
International Class 25  
THE NEUTRALIZER



11-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

BROWN SHOE COMPANY, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91157854
	)	
PROFOOT, INC.,	)	
	)	
Applicant.	)	

**MOTION FOR DEFAULT JUDGMENT UNDER RULE 55(a)**

COMES NOW Opposer, Brown Shoe Company, Inc. (“Brown Shoe”), by and through its undersigned attorneys, pursuant to Rule 55(a) Fed.R.Civ.P., and hereby moves the Trademark Trial and Appeal Board for Default Judgment in favor of Brown Shoe and against Applicant and reject with prejudice Applicant’s federal trademark Application Ser. No. 76/441636, for the following reasons:

1. On or about August 22, 2003, Brown Shoe timely filed its Notice of Opposition to the registration of Applicant’s federal trademark Application Ser. No. 76/441636.
2. On or about September 25, 2003, the Trademark Trial and Appeal Board issued its Order directing Applicant to file its Answer to the Notice of Opposition within forty (40) days, i.e. on or before November 4, 2003.
3. Applicant has failed to file any response to Brown Shoe’s Notice of Opposition.
4. Applicant’s failure to timely respond to Brown Shoe’s Notice of Opposition is without justification or excuse.

**Certificate of Service**

The undersigned certifies that on this 19<sup>th</sup> day of November, 2003, a true and complete copy of the foregoing was deposited with the U.S. Postal Service as first class mail and addressed to the following:

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TTAB

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PATENT, TRADEMARK, COPYRIGHT,  
TRADE SECRET AND UNFAIR COMPETITION



11-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

November 19, 2003

***BOX TTAB - No Fee***  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Opposition No. 91157854  
Application Serial No. 76/441636  
BROWN SHOE COMPANY, INC. v. PROFOOT, INC.  
Our Ref: BROW I673

Sir:

Enclosed please find Opposer's MOTION FOR DEFAULT JUDGMENT UNDER  
RULE 55(a) for filing with the Trademark Trial and Appeal Board. I also am enclosing a self-  
addressed stamped postal acknowledgement card.

Communications in connection with this matter should be directed to Douglas D.  
Churovich.

Respectfully submitted,

Douglas D. Churovich,

DDC/ngs  
enclosures