

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

Our Ref.: 0477-002

In the matter of trademark application Serial No. 76/367,233
For the mark KRYPTONITE POWER OF DANCE
Published in the *Official Gazette* on April 27, 2004



PAN AMERICAN GRAIN MFG CO. INC.,

Opposer,

v.

D. JOSE PASCUAL ROMERO,

Applicant.

07-29-2004
U.S. Patent & TMO/TM Mail RcptDt. #74

Opposition No. 91160783

Commissioner for Trademarks
2900 Crystal drive
Arlington, Virginia 22202-3514

MOTION FOR DEFAULT JUDGMENT



Pursuant to 37 C.F.R. § 2.106(a) and Rule 55 of the Federal Rules of Civil Procedure, Pan American Grain Mfg. Co. Inc. (hereinafter "Opposer") hereby moves for entry of judgment by default against D. Jose Pascual Romero (hereinafter "Applicant") based on Applicant's failure to timely file an answer to Opposer's Notice of Opposition filed on May 21, 2004.

In the above-identified opposition proceeding, Applicant was assigned a 40-day answering period set to expire July 18, 2004. To date, Applicant has failed to file an answer or an extension of time to answer Opposer's Notice of Opposition. Pursuant to 37 C.F.R. § 2.106(a), Opposer is entitled to seek

immediate relief in the form of entry of judgment by default against Applicant and, therefore, appropriately requests that notice of default under Fed. R. Civ. P. 55(a) be entered.

Respectfully submitted,

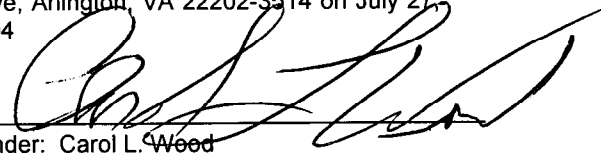
PAN AMERICAN GRAIN MFG CO. INC.,

By  

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Certificate Under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a postage prepaid envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on July 27, 2004



Sender: Carol L. Weed

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR DEFAULT JUDGMENT was mailed by first-class mail, postage prepaid, to Steven T. Samuel, Corporate Creations Professional et al, 941 Fourth Street #200, Miami Beach, Florida 33139, on this 27th day of July 2004.


Carol L. Wood