08-08-2001
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

TTAB

EXPRESS MAIL LABEL NO.: EK839853752US

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

In the matter of Registration. No. 2,158,076
Date of Issue: May 19, 1998

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PIZZA HUT, INC., :

Petitioner, : Cancellation No. 27,814

v. :

PAPA JOHN'S INTERNATIONAL, INC., :

Registrant. :

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MOTION TO DISMISS CANCELLATION WITH PREJUDICE

Petitioner, by and through its undersigned counsel of record, hereby moves to dismiss the captioned cancellation proceeding with prejudice.

Respectfully submitted,

BAKER BOTTS, L.L.P.

Dated: August 8, 2001

By: _____

Russell H. Falconer
30 Rockefeller Plaza
New York, NY 10112

Attorneys for Petitioner
Tel.: (212) 408-2564
Fax: (212) 705-5020

EXPRESS MAIL LABEL NO.: EK839853752US

CERTIFICATE OF MAILING AND SERVICE

I hereby certify that the attached MOTION TO DISMISS CANCELLATION WITH PREJUDICE was deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to:

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

and a true and correct copy of the foregoing has been mailed to the following as first class mail, postage prepaid, in an envelope addressed to:

Laurence R. Hefter, Esq.
Douglas A. Rettew, Esq.
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, D. C. 20005-3315

on August 8, 2001.

By: _____
Russell H. Falconer