



11-25-2002

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

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

LANGER, INC.,)	
)	Cancellation No. 92041018
Petitioner,)	
)	In the Matter of
vs.)	Registration No. 2,352,015
)	Issued May 23, 2000
REFAELY AND SONS INC.,)	
)	
Registrant.)	

MOTION FOR DEFAULT JUDGMENT

Assistant Commissioner for Trademarks
Box TTAB - No Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

Petitioner hereby moves, pursuant to TBMP § 508, for a Default Judgment in favor of petitioner because of respondent's failure to answer the Petition for Cancellation in this proceeding.

The Petition to Cancel was filed September 11, 2002 and the Board served a Notice on respondent on September 17, 2002 giving respondent forty (40) days from that date to file an Answer. That time has long expired, no Answer has been received by petitioner, and it is therefore believed that no Answer has been filed.

It therefore is respectfully requested that a Default Judgment be entered against respondent and that respondent's Registration No. 2,352,015 be cancelled.

It is not believed that any additional fee is due, however, if such is required, please charge same to deposit account number 10-0250.

Respectfully submitted,

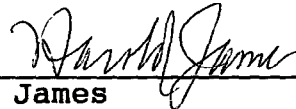
Dated: New York, New York
November 21, 2002



Harold James, Reg. No. 10580
JAMES & FRANKLIN, LLP
(Attorneys for Petitioner)
Office and Post Office Address
60 East 42nd Street, Suite 2915
New York, New York 10165
Tel: (212) 867-7260

CERTIFICATION UNDER 37 CFR 1.8(a)

I hereby certify on the date shown below this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Trademark's Box TTAB - NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, with sufficient postage, this 21 day of November, 2002.



Harold James

CERTIFICATION UNDER 37 CFR 1.8(a)

I hereby certify on the date shown below this correspondence was deposited with the United States Postal Service in an envelope addressed to

REFAELY AND SONS INC.
7964 Arjons, Suite F (in the rear)
San Diego, CA 92126,

with sufficient postage, this 21 day of November, 2002.



Harold James

TTAB

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

In Re: LANGER, INC.
Petitioner,
vs.
REFAELY AND SONS INC.,
Registrant
Cancellation No. 92041018



11-25-2002

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

In the Matter of:
Registration No. 2,352,015
Issued: May 23, 2000

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

RECEIVED
NOV 25 2002

Dear Sir:

Transmitted herewith are the following in connection with the above-captioned matter:

- (x) Motion for Default Judgment together with Certificates of Service;

With regard to fees:

- (x) No additional fee is required.
- () The required fee is: \$
- () A check in the amount of \$ is attached hereto.
- (x) Please charge any additional fees or credit any overpayment to Deposit Account No. 10-0250. This sheet is submitted in duplicate.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB -NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the date below.

New York, New York
November 21, 2002

Respectfully submitted,

Harold James, Esq. (Reg. #15800)
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(212) 867-7260