

TTAB

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

WRITER

Mailed: September 20, 2004

Cancellation No. 92043545

OUTSTART, INC.

v.

AORAKI CORPORATION LTD.

Angela Lykos, Interlocutory Attorney

It has come to the attention of the Board that respondent has failed to renew its involved registration under Section 9 of the Trademark Act.

In view thereof, respondent is allowed until twenty days from the mailing date of this order to show cause why its failure to renew the involved registration should not be deemed to be the equivalent of a cancellation by request of respondent without the consent of the adverse party, and should not result in entry of judgment against respondent as provided by Trademark Rule 2.134(a). In the absence of a showing of good and sufficient cause, judgment may be entered against respondent. See Trademark Rule 2.134(b).



09-23-2004

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If, in response to this order, respondent submits a showing that the failure to renew the registration was the result of inadvertence or mistake, judgment will not be entered against it. In that case, petitioner will be given time in which to elect whether it wishes to go forward with the cancellation proceeding, or to have the cancellation proceeding dismissed without prejudice as moot. See *C. H. Guenther & Son Inc. v. Whitewing Ranch Co.*, 8 USPQ2d 1450 (TTAB 1988) and TBMP § 602.02(b).

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