

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: August 3, 2005

Cancellation No. 92043980

Nextune Corporation d/b/a
Untracade Technologies

v.

HyperWare, Inc.

By the Trademark Trial and Appeal Board:

On March 25, 2005, the Board sent a notice of default to respondent because no answer was of record. After the United States Postal service returned the March 25, 2005 notice as undeliverable, the Board, on June 3, 2005, resent the notice of default.¹ No response to the resent notice of default is of record.

Therefore, judgment by default is hereby entered against respondent,² the petition to cancel is granted, and Registration No. 2607521 will be cancelled in due course. See Fed. R. Civ. P. 55, and Trademark Rule 2.114(a).

¹ Inasmuch as the resent notice of default was not returned, respondent is presumed to have received it. See TBMP Section 117.01 (2d ed. rev. 2004).

² Petitioner's motion (filed May 9, 2005) for default judgment is moot.