

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

**In re Matter of Cancellation No. 92044237**

**TTAB**

**Trademark Registration Nos. 1,141,439 and 2,590,226**

**For the Mark:       BUCK CONSULTANTS & Des. and  
                          BUCK CONSULTANTS**

**Mr. John Garrett,  
Petitioner,**

**v.**

**Mellon Consultants, LLC,  
Registrant.**

**Petitioner's Position Regarding Registrant's Late Response**

Petitioner John Garrett submits that Registrant's initial response to the petition to cancel is late and should be refused on that basis. Petitioner notes that Registrant stated in a request for additional time that the extra time was needed to pursue sufficient factual and legal review of the matter. It is questionable why the terse nature of the late response that has been provided required more time to review or prepare than the 40-days allotted in the petition process. It is also questionable as to whether there may be other purposes for the requested additional 30-day extension, such as to delay the petition process as the Registrant closes its sale of the business lines for which the Registrant ceased use of the Mark.

Petitioner has acted in good faith in filing the petition. It is the Petitioner's belief the Registrant abandoned the Mark in 2003 as evidenced in numerous public statements. Furthermore, the Registrant's sale of the business lines corresponding to the subject



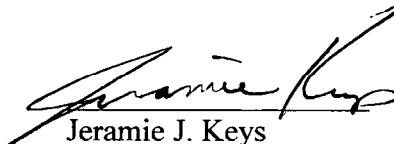
Mark, that has been publicly announced to close in the second quarter of 2005, is also contrary to any intention by the Registrant for future use of the Mark. Thus, Petitioner is relying on the public statements of Registrant in preparation for carrying on Petitioner's business and introduction of a delay in the petition proceeding without sufficient grounds will result in prejudice to the Petitioner.

Based on Petitioner's non-consent to the request for the delay and the Registrant's failure to file a timely answer, the Petitioner requests that the Registrant's response be refused as late, and that a default judgment of cancellation be granted to Petitioner.

Dated: May 12, 2005

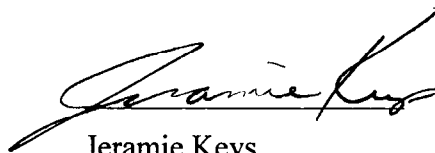
Respectfully submitted,

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Jeramie J. Keys  
Attorney for Petitioner

**CERTIFICATE OF SERVICE by Mail**

I do hereby certify that a copy of the foregoing motion is being served on counsel for Registrant by mailing, first-class postage pre-paid this 12th day of May, 2005 to Registrant's counsel at his address and fax number as follows.



Jeramie Keys  
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