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

Proceeding	92046084
Party	Defendant DD IP Holder, LLC
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Submission	Response to Board Order/Inquiry
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Attachments	response to order to show cause.pdf (3 pages)(61414 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board

River West Brands, LLC,)	
)	
Petitioner,)	
)	Cancellation No. 92046084
v.)	
)	
DD IP Holder LLC,)	
)	
Respondent.)	

RESPONSE TO ORDER TO SHOW CAUSE

Pursuant to 37 C.F.R. § 2.134(b), Respondent respectfully submits the following statements in response to the Board’s Order of September 19, 2008 to show cause why judgment against Respondent should not be entered with respect to Registration No. 833,808. Respondent does not challenge the Board’s decision to enter judgment against Registration No. 833,808, but offers this response to clarify issues under consideration in this cancellation.

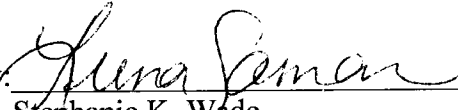
Registration No. 833,808 of the mark MISTER DONUT & Chef Design issued on August 15, 1967 for “restaurant services” in Class 42. In 1987, Respondent’s predecessor-in-interest renewed the registration. The registration was due for renewal on August 15, 2007. The MISTER DONUT & Chef Design appearing in this registration represents an older form of Respondent’s mark that has been replaced by the current form of the mark shown in Registration Nos. 859,016 and 1,120,124. Consequently, Respondent did not file a renewal application and intentionally allowed Registration No. 833,808 to expire.

In light of these statements, Respondent recognizes that the intentional decision not to renew will result in entry of judgment against Respondent with respect to Registration No. 833,808.

Respectfully submitted,

DD IP HOLDER LLC

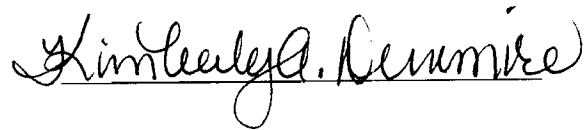
Dated: 10/7/08

By: 
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Order to Show Cause was served upon the following attorney of record for Petitioner by email, this 7th day of October, 2008.

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Handwritten signature of Kimbley A. Cummins in cursive script.