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

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MT

Mailed: October 8, 2008

Cancellation No. 92049565

SABA CHEMICAL, CORP.

v.

HI-PORT AEROSOL, INC.

Answer was due on August 6, 2008. A review of the record shows that an answer has not been filed.

This case now comes up for consideration of petitioner's motion, filed August 7, 2008, for default judgment against respondent for failure to file an answer. The motion is uncontested.¹

Inasmuch as respondent failed to file an answer in this case, and failed to respond to petitioner's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against respondent, the petition for cancellation

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.



10-20-2008

is granted, and Registration No. 1587399 will be cancelled in due course. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a).

*By the Trademark Trial
and Appeal Board*

United States Patent and Trademark Office

Commissioner for Trademarks

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