

ESTTA Tracking number: **ESTTA279611**

Filing date: **04/22/2009**

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

Proceeding	92050357
Party	Plaintiff Four Paws Products, Ltd.
Correspondence Address	PAUL FIELDS DARBY & DARBY, P.C. 7 WORLD TRADE CENTER, 250 GREENWICH STREET NEW YORK, NY 10007 UNITED STATES Pfields@Darbylaw.com
Submission	Other Motions/Papers
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Signature	/paul fields/
Date	04/22/2009
Attachments	MOTION OF JUDGMENT UNDER 37 CFR 2.134(a).PDF ( 3 pages )(73829 bytes )

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

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:  
FOUR PAWS PRODUCTS, LTD., :  
:  
Petitioner, : Cancellation No. 92050357  
:  
v. : (Registration No. 3,121,416)  
:  
NANCY PERRY-DALE, :  
:  
Respondent. :  
:  
-----X

**MOTION OF JUDGMENT UNDER 37 CFR § 2.134(a)**


Petitioner, Four Paws Product Ltd moves for judgment in this proceeding under 37 CFR § 2.134(a) in view of the fact that Registrant has surrendered for cancellation Registration No. 3,121,416 which is the registration in issue herein. A copy of the Notice of Surrender is attached hereto.

In light of the above, it is respectfully requested that judgment be entered against the Respondent.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: April 22, 2009

  
Paul Fields  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0042  
Tel.: 212-527-7700  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing MOTION OF JUDGMENT UNDER 37 CFR § 2.134(a) was served via first class mail, postage prepaid this 22<sup>nd</sup> day of April, 2009 upon Applicant's attorney at the following address:

David S. D'Ascenzo  
D'Ascenzo Intellectual Property Law, P.C.  
522 S.W. 5<sup>th</sup> Avenue, Suite 925  
Portland, Oregon 97204

A handwritten signature in cursive script, reading "Sherie Layton", is written over a horizontal line.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Registration of:

NANCY PERRY-DALE

Serial No. : 78/276,925  
Filed : July 21, 2003  
Reg. No. : 3,121,416  
Reg. Date : July 25, 2006  
For : FOUR PAWS ONLY

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**SURRENDER OF TRADEMARK REGISTRATION FOR CANCELLATION**

Registrant Nancy Perry-Dale voluntarily surrenders for cancellation her U.S. Registration No. 3,121,416, for the mark FOUR PAWS ONLY for pet blankets and pet clothing, namely pet jackets and pet sweatshirts. The original Certificate of Registration is not attached hereto because it is believed to have been lost or destroyed.

Date: April 8, 2009

Nancy Perry-Dale  
Nancy Perry-Dale