

ESTTA Tracking number: **ESTTA608797**

Filing date: **06/09/2014**

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

Proceeding	92059104
Party	Plaintiff Nufarm Americas Inc.
Correspondence Address	DIANNE M SMITH-MISEMER HOVEY WILLIAMS LLP 10801 MASTIN BLVD SUITE 1000, CORPORATE WOODS BUILDING 84 OVERLAND PARK, KS 66201 UNITED STATES tmdocketing.misemer@hoveywilliams.com, litigation@hoveywilliams.com
Submission	Motion for Default Judgment
Filer's Name	Dianne M. Smith-Misemer
Filer's e-mail	tmdocketing.misemer@hoveywilliams.com, litigation@hoveywilliams.com
Signature	/Dianne M. Smith-Misemer/
Date	06/09/2014
Attachments	Motion for Judgment (TERMINATE).pdf(59222 bytes)

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

In the matter of Trademark Registration No. 1,486,658
For the Mark: TERMINATE
Registration Issued May 3, 1988

Nufarm Americas Inc.)	
)	
Plaintiff – Petitioner)	
)	
vs.)	Cancellation No. 92059104
)	
State Industrial Products Corporation,)	
)	
Defendant – Registrant.)	

MOTION FOR JUDGMENT

Petitioner, Nufarm Americas Inc., by and through its undersigned counsel, hereby moves for an immediate judgment on the record pursuant to 37 C.F.R. §2.132 for the reason state below.

Registrant, State Industrial Products Corporation has consented to the cancellation of the Registration No. 1,486,658 for TERMINATE through the signing of the Surrender of Registration for Cancellation, attached hereto as Exhibit 1. Registrant’s deadline for filing of an answer is June 9, 2014, however, the voluntary surrender of the registration will leave the deadline unanswered. Thus, Petitioner seeks finality of this matter and therefore moves for an immediate default judgment without any further undue delay to the Board.

WHEREFORE, Petitioner respectfully prays that this Cancellation be sustained with prejudice and that Registration No. 1,486,658 be cancelled.

Respectfully submitted,

NUFARM AMERICAS INC.

/Dianne M. Smith-Misemer/

Dianne M. Smith-Misemer
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the above was served, this 9th day of June, 2014, via U.S. First Class Mail, postage prepaid, to the attorney of record for Registrant:

William A. Barnett
Vice President and General Counsel
State Industrial Products Corp.
5915 Landerbrook Dr. Ste. 300
Mayfield Hts., Ohio 44124

/Dianne M. Smith-Misemer/

Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: State Industrial Products
Corporation

Registration No.: 1,486,658

Issue Date: May 3, 1988

Mark: TERMINATE

International Class 005

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

SURRENDER OF REGISTRATION FOR CANCELLATION

Registrant, through the undersigned, hereby applies to the Patent and Trademark Office to voluntarily surrender the above-referenced Registration for cancellation pursuant to Trademark Rule 2.172, 37 C.F.R. § 2.172, and requests that the Director cancel this Registration.

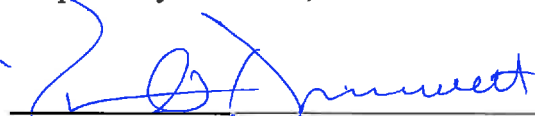
The basis for this Application is as follows: Registrant is no longer making use of this mark.

Declaration

The undersigned, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of title 18 of the United States Code and that such willful false statement may jeopardize the validity of this document or the above-referenced Registration, does hereby declare that he is Attorney of Record for Registrant and is authorized to execute this document; that the facts set forth in this document are true; that all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Date: 5/2/2014



Name: William A. Barnett
Title: Attorney of Record