

**United States Department of Commerce  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513**

**THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE  
TTAB 7/898**

CEW

Consolidated  
Opposition Nos. 93,526  
and 95,936;  
Cancellation No. 22,550

Otis Elevator Company

v.

Schindler Aufzuge AG

It has come to the attention of the Board that, in this consolidated proceeding, Schindler Aufzuge AG (defendant/respondent) has permitted the registration involved in Cancellation No. 22,550 to be cancelled under Section 8 of the Trademark Act, 15 U.S.C. 1058.<sup>1</sup> Trademark Rule 2.134(b), 37 CFR § 2.134(b) provides that if a respondent in a cancellation case permits its registration to be cancelled under Section 8, an order may be issued allowing respondent time to show cause why such cancellation should not be deemed to be the equivalent of a cancellation by request of respondent without the consent of the adverse

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<sup>1</sup> With respect to the involved registration, the requisite filing under Section 8 of the Trademark Act was due no later than September 18, 1996. The Patent and Trademark Office (PTO) has no record of having received the requisite filing. Thus, the registration herein was cancelled on March 24, 1997, under Section 8.

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party and should not result in entry of judgment against respondent, as provided for by Trademark Rule 2.134(a). See also, TBMP §§ 536 and 602.02(b).

Defendant/respondent is allowed until 30 days from the mailing date of this order to show good and sufficient cause why judgment should not be entered against it in Cancellation No. 22,550, in accordance with Rule 2.134(a). In the absence of such a showing, or if defendant/respondent fails to respond to this order, then such judgment will be entered.

C. E. Walters  
Administrative Trademark Judge  
Trademark Trial and Appeal Board