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

Proceeding	91115494
Party	Plaintiff TWELVE ISLANDS SHIPPING COMPANY LIMITEDAND ALLIED DOMECQ SPIRIT & WINES USA, IN ,
Correspondence Address	EDWARD T. COLBERT KENYON & KENYON 1500 K STREET N.W. WASHINGTON, DC 20005
Submission	Response to Board Order/Inquiry
Filer's Name	Susan A. Smith
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Date	03/24/2005
Attachments	REVISED Response to Show Cause Order.pdf (3 pages)

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

In the Matter of Application Serial No. 75/449,634

TWELVE ISLANDS SHIPPING COMPANY LIMITED and ALLIED DOMECQ SPIRITS & WINES USA, INC.	)	
Opposer,	)	Opposition No. 91115494
v.	)	
TROPICAL CHEESE INDUSTRIES, INC.	)	
Applicant,	)	

RESPONSE TO ORDER TO SHOW CAUSE

On February 22, 2005, the Board issued an order to show cause why this opposition should not be dismissed in view of the failure of Opposer, Allied Domecq Spirits & Wine USA, Inc., to file its main brief. However, Opposer's failure to file the brief was not an indication that it has lost interest in this case. To the contrary, Opposer has been diligently trying to settle this matter. Indeed, settlement should be nearly complete. The settlement agreement has been agreed upon and provided to the Applicant. All that remains is for the Applicant to execute the agreement. Opposer was hoping to have this matter resolved prior to filing briefs in this case; however, for unknown reasons, the Applicant has delayed in executing the settlement agreement.

"If a show cause order is issued under 37 CFR § 2.128(a)(3), and the plaintiff files a response indicating that it has not lost interest in the case, the show cause order will be considered discharged, and judgment will not be entered against plaintiff for failure to file a main brief." TBMP § 536. Opposer has not lost interest in this case, but instead wishes to resolve it. Accordingly, the order to show cause should be discharged and judgment should not be entered against Opposer.

In view of the parties' efforts to settle this matter, which hopefully should be near completion, Opposer believes that the Board should suspend this case pending settlement (or, resumption of proceedings at any time at the request of either party if, for some reason, settlement cannot be consummated). Counsel for Opposer contacted counsel for the Applicant, Ezra Pound, to discuss this matter, but did not hear back from him by the deadline for response to the order to show cause.

In view of the foregoing, Opposer respectfully requests that the Board discharge the order to show cause and suspend this case until the parties are able to resolve this matter, or until a party requests resumption of the proceedings.

Respectfully submitted,

s/ Susan Smith

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2005, I caused a copy of the foregoing **RESPONSE TO ORDER TO SHOW CAUSE** to be served by first class mail, postage prepaid, on all counsel and pro se parties of record at the following addresses:

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