UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: October 8, 2003

Opposition No. 91119263

Reginald Sanders d/b/a
Photostar

v.

CVS Vanguard, Inc.

Amy King, Paralegal Specialist

It is noted by the Board that opposer's time for filing a brief on the case has expired, and no brief has been filed. Trademark Rule 2.128(a)(3) provides that when a party in the position of plaintiff fails to file a main brief, an order may be issued allowing plaintiff until a set time, not less than fifteen days, in which to show cause why the Board should not treat such failure as a concession of the case. The rule further provides that if plaintiff fails to file a response to the order, or files a response indicating that it has lost interest in the case, judgment may be entered against plaintiff.

In view of the above, opposer is allowed until thirty days from the mailing date of this order to show cause why the

Board should not treat its failure to file a brief as a concession of the case, failing which a judgment dismissing the notice of opposition with prejudice will be entered against opposer.