

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: April 14, 2006

Opposition No. 91161954

Pabst Brewing Company

v.

Lone Star Steakhouse &
Saloon, Inc.

George C. Pologeorgis, Interlocutory Attorney:

This case now comes up on applicant's construed motion (filed March 23, 2006) to extend its time to file an answer to the notice of opposition. The motion is fully briefed.

On November 21, 2005, the Board issued an order resuming these proceedings and requiring applicant to file its answer within thirty days of said order. Applicant failed to do so. Accordingly, on January 24, 2006, the Board issued an order requiring applicant to show cause why judgment should not be entered against applicant for failing to file a timely answer or to request an extension of time to answer.

In its March 23, 2006 filing, applicant contends that it never received the Board's November 21, 2005 order resuming these proceedings nor did it receive the Board's January 24, 2006 notice of default. Applicant claims that it was not until it conducted a status check on the TTAB website on March 21,

Opposition No. 91161954

2006 that applicant became aware of the aforementioned Board orders.

It is clear that applicant intends to defend itself in this proceeding, and that its failure to file a timely answer was due to the fact that it apparently never received the Board's November 21, 2005 resumption order. In view thereof, applicant has established the requisite "good cause" sufficient to justify an extension of time to file an answer. FRCP 6(b); see authorities cited in TBMP §509 (2d ed. rev. 2004). Accordingly, applicant has until **THIRTY DAYS** from the mailing date of this order to file an answer to the notice of opposition, failing which judgment may be entered against applicant.¹ Furthermore, applicant must confirm its correct correspondence address for the Board's records.

Discovery is open, and discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	August 13, 2006
30-day testimony period for party in position of plaintiff to close:	November 11, 2006
30-day testimony period for party in position of defendant to close:	January 12, 2007
15-day rebuttal testimony period for plaintiff to close:	February 24, 2007

¹ A copy of the Board's November 21, 2005 resumption order and January 24, 2006 show cause order are enclosed with applicant's copy of this order.

Opposition No. 91161954

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.