

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

Mailed: February 25, 2009

Opposition No. 91161954

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Pabst Brewing Company

v.

Lone Star Steakhouse &
Saloon, Inc. and LSF5 Cactus
LLC (joined as party
defendant)¹

George C. Pologeorgis, Interlocutory Attorney:

On December 18, 2007, the Board issued an order allowing opposer time in which to show cause why the Board should not treat opposer's failure to file its main brief in these consolidated proceedings as a concession of the case.

On January 22, 2008, opposer filed a response to the Board's show cause order.² In its response, opposer

¹It has come to the Board's attention that the entire interest of the subject application to this proceeding was assigned to LSF5 Cactus LLC after the commencement of this case on or about December 13, 2006 and recorded with the USPTO Assignment Branch on December 20, 2006. See USPTO Assignment Branch Reel /Frame 3448/0036. In view thereof, the Board, on its own initiative, has joined LSF5 Cactus LLC as party defendant in this case. See TBMP § 512.01 (2d ed. rev. 2004).

²Opposer's consented motion (filed January 17, 2008) to extend its time to respond to the Board's show cause order up to, and including, January 22, 2008 is granted. See Trademark Rule 2.127(a).

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contends that its failure to file a timely brief in this case was do to the following: (1) applicant changed ownership which caused lapses in communication, (2) opposer had mounting business which necessitated international travel, (3) opposer was under the opinion that applicant was considering a settlement proposal and was awaiting applicant's reply, and (4) opposer was under the impression that proceedings were suspended pending settlement between the parties. Notwithstanding the foregoing, opposer also maintains that is has not lost interest in these consolidated proceedings and, in the event settlement cannot be reached, opposer wishes to actively pursue this consolidated case.

In light of opposer's response, the Board finds that opposer has not lost interest in these consolidated proceedings and that its failure to file a timely brief appears to be the result of inadvertence or mistake. Accordingly, the Board's December 18, 2007 show cause order is hereby set aside and the briefing schedule for this case is reset as follows:

Opposer's Brief Due:	March 31, 2009
Applicant's Brief, if filed, Due:	April 30, 2009
Opposer's Reply Brief, if filed, Due:	May 15, 2009