

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

Baxley

Mailed: December 11, 2008

Opposition No. 91169227

Mi Casa Real Estate Co.

v.

Gelt Industries, Inc. and P &
R Investment Group, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Opposer's time for filing a brief on the case has expired, and no such brief is of record. Trademark Rule 2.128(a)(3) provides that, when a plaintiff fails to file a main brief, an order may be issued requiring plaintiff 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 respond to the order, or responds by indicating that it has lost interest in the case, judgment may be entered against plaintiff.

Accordingly, 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.

