

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

Baxley

Mailed: May 6, 2010

Opposition No. 91173189

MonsterCommerce, LLC

v.

Igor Lognikov

Andrew P. Baxley, Interlocutory Attorney:

Opposer's time for filing a brief on the case has expired, and no brief is of record.¹ 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 requiring plaintiff to show cause why the Board should not treat such failure as a concession of the case. Rule 2.128(a)(3) 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. See TBMP Section 536 (2d ed. rev. 2004).

Based on the foregoing, opposer is allowed until thirty days from the mailing date set forth in this order to show cause why the Board should not treat its failure to file a

¹ During its testimony period, opposer did not file any evidence and does not appear to have taken testimony. Accordingly, dismissal may be appropriate under Trademark Rule 2.132(a) for failure to prosecute. See TBMP Section 534 (2d ed. rev. 2004).

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brief as a concession of the case, failing which a judgment dismissing the notice of opposition with prejudice will be entered against opposer.