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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177463
Party	Plaintiff Promgirl, Inc.
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Submission	Response to Board Order/Inquiry
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Date	03/16/2009
Attachments	Response to Order to Show Cause Opp 91177463.pdf (2 pages)(81345 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 78/875,952
Filed: May 3, 2006
For the mark: PROMGIRL (Stylized and Design)
Published in the Official Gazette on: January 23, 2007

PROMGIRL, INC.	:	
Opposer,	:	
	:	Opposition No. 91177463
v.	:	
PROMGIRL, LLC	:	
Applicant.	:	

OPPOSER'S RESPONSE TO ORDER TO SHOW CAUSE
UNDER TRADEMARK RULE 2.128(a)(3), 37 C.F.R. 2.128(a)(3)

On March 11, 2009, the Trademark Trial and Appeal Board ("Board") issued to Promgirl, Inc. ("Promgirl" or "Opposer"), opposer in the above-captioned opposition ("Subject Opposition"), an Order to Show Cause pursuant to Trademark Rule 2.128(a)(3), 37 C.F.R. § 2.128(a)(3). Specifically, the Board noted that Opposer's time for filing a brief on the Opposition case expired and no brief was filed. The Board's order invited Opposer to show cause why the Board should not treat Opposer's failure to file a brief as a concession of the case.

Opposer respectfully submits that the Board should not treat its failure to file a main brief as a concession of the case, or as indicative of the Opposer's lost interest in the case.

The Subject Opposition is one of three pending oppositions between Opposer and the Applicant for Application No. 78/875,952, or its related entities (collectively, "Applicant"). Opposer and Applicant are negotiating settlement of the trademark dispute that is the basis of the

Subject Opposition and Board Oppositions Nos. 91181566 and 91181734 . Both parties have filed stipulated suspension requests at sixty or ninety day intervals for the proceedings in Board Oppositions Nos. 91181566 and 91181734. The parties have expressly agreed to suspend all opposition proceedings, including the Subject Opposition, pending settlement.

The Subject Opposition proceedings should have also been suspended but were inadvertently excluded from the prior suspension requests.

WHEREFORE, Opposer respectfully requests the Board to find that the order to show cause under Trademark Rule 2.128(a)(3) has been discharged.

Respectfully submitted,
DUANE MORRIS LLP

Dated: March 16, 2009

By: */Susan Okin Goldsmith/*
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