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

Mailed: March 13, 2008

Opposition No. **91181494**

Big Boy Restaurants
International LLC

v.

Bensal, Michael David

Linda Skoro, Interlocutory Attorney

On February 18, 2008, applicant filed alternative motions: (1) abandonment of his application without prejudice; or (2) an extension of time for 30 days within which to discuss settlement with opposer; or (3) an extension of 30 days to file an answer.

The Board is unable to grant any of the above requests because, as to number (1) because applicant does not have the written consent of opposer to abandon its application, abandonment would be with prejudice. As to both items 2 and 3, because they have been filed outside of the time period sought to be extended, applicant would need to establish excusable neglect to reopen those time periods. In that there has been no such showing, these two alternative motions must also be denied.

Accordingly, answer was due in this case on February 4, 2008. Inasmuch as no answer has been filed, nor a timely

extension request to file an answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until **thirty** days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).