

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

Mailed: May 26, 2012

Opposition No. 91197165

Werner Christ GmbH

v.

Tara Subkoff

**George C. Pologeorgis,
Interlocutory Attorney:**

It is noted by the Board that opposer's time for filing a brief on the case has expired, and no brief has been filed. 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 allowing plaintiff until a set time, not less than fifteen days, in which 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 file a response to the order, or files a response indicating that it has lost interest in the case, judgment may be entered against plaintiff.

In view of the above, 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

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the notice of opposition with prejudice will be entered against opposer.

As a final matter, the Board notes that the record shows that opposer has failed to submit any evidence or take any testimony during its assigned testimony period, which expired on December 3, 2011, as last reset. Accordingly, opposer is allowed the same thirty days provided above in which to show cause why judgment should not be entered against opposer for failing to prosecute this case.

Proceedings are otherwise suspended pending opposer's response to this order.