

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: September 26, 2015

Opposition No. 91203660

85233718

Rare Breed M.C. Inc.

v.

Rare Breed

**Robert H. Coggins,
Interlocutory Attorney:**

On September 17, 2015, Applicant filed a notice of final disposition of the civil action between the parties.¹ By way of the notice, Applicant asks the Board to enter judgment in Applicant's favor consistent with the findings in the superior court's final judgment entered against Opposer in the civil action. In view of the superior court's judgment (dated October 7, 2014, attached to Applicant's notice), Opposer is allowed until **thirty days** from the mailing date of this order in which to **show cause** why judgment should not be entered against Opposer in this Board proceeding and the Notice of Opposition dismissed with prejudice.

¹ The certificate of service indicates service by electronic transmission. Inasmuch as electronic service is available only when mutually agreed upon by the parties (*see* Trademark Rule 2.119(b)(6)), the Board prefers that parties reference their agreement in the certificate – for example, by including language such as “by mutual agreement.” The parties are reminded that the additional time allowed under Trademark Rule 2.119(c) is not applicable to agreed use of electronic service. *See McDonald's Corp. v. Cambridge Overseas Dev. Inc.*, 106 USPQ2d 1339 (TTAB 2013); and TBMP §113.05 (2015)



10-13-2015

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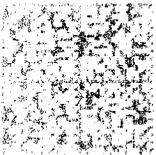
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