

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: June 22, 2015

Opposition No. 91204345

Studio Moderna S.A.

v.

Big Fish Games, Inc.

Amy Matelski, Paralegal Specialist:

The time for counterclaim petitioner to file a brief on the case has expired, and no brief on the case is of record.

Trademark Rule 2.128(a)(3) provides

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. If plaintiff fails to file a response to the order, or files a response indicating that he has lost interest in the case, judgment may be entered against plaintiff.

In view of the failure to file a brief, counterclaim petitione~~r~~ is allowed until thirty days from the mailing date of this order to show cause why the Board should not treat the failure to file a brief as a concession of the case, failing which a judgment dismissing the counterclaim with prejudice will be entered. *See* TBMP §§ 536 and 801.02(a).

Proceedings are otherwise suspended.