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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 4, 2015 #86278358

Opposition No. 91219335

Braniff International Property Company

v.

Braniff Holdings, Inc.

Robert H. Coggins,
Interlocutory Attorney:

Suspension

Proceedings are **suspended** pending disposition of (1) the order to show cause herein below to Applicant for its apparent loss of interest in this case, and (2) Opposer's motion, filed September 2, 2015, to compel initial disclosures. The parties should not file any paper which is not germane to either the order to show cause or the motion to compel. *See* Trademark Rule 2.120(e)(2).

Show Cause

On April 13, 2015, the Board ordered, *inter alia*, Applicant to file and serve a notice within twenty days providing either the status of a previously referenced civil action, along with a copy of the operative pleadings therefrom, or a statement that there are no civil actions between the parties. *See* Order (10 TTABVUE 4). Applicant failed to make the filing.

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Opposer's motion to compel indicates in paragraph 19 of the "Statement of the Case" that Applicant affirmatively stated that it "would be walking away from the matter and letting Opposer have the mark." **See** Motion, p. 3 (14 TTABVUE 4).

In view of Applicant's failure to respond to the Board's April 13th order, and the affirmative statement by Opposer in the motion to compel that Applicant "would be walking away from" this proceeding, Applicant is allowed until September 22, 2015, in which to **show cause** why judgment should not be entered against it for its apparent loss of interest in the case. *See* TBMP § 527.03 (2015) (Inherent Authority to Sanction). Any response by Applicant must explicitly address both issues.

Motion to Compel

The time for Applicant's brief, if any, in response to Opposer's motion to compel will run concurrently with Applicant's time to respond to the order to show cause. Applicant is allowed until September 22, 2015, in which to file and serve a response, if any, to the motion to compel. *See* Trademark Rule 2.127(a).

Ineffective Service

Opposer's notice (filed August 11, 2015) of ineffective service of an earlier brief and motion is acknowledged; however, the purpose of the notice is unknown. Although Trademark Rule 2.101(b) requires an opposer to notify the Board within ten days if any service copy of the opposition is returned to the opposer as undeliverable, there is no such requirement for other papers. In view thereof, the notice of ineffective service will be given no further consideration. Notwithstanding this treatment, Applicant is reminded that it is Applicant's responsibility to ensure

that the Board and Opposer have Applicant's current correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. *See* TBMP § 117.07.

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