

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: October 27, 2004

Cancellation No. 92042132

DIVA DESIGNS / BIMBO

v.

TROY DENDEKKER

Andrew P. Baxley, Interlocutory Attorney:

The Board notes that petitioner's time for filing a brief on the case herein has expired, and that no brief is of record. 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 15 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, petitioner 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 petition for cancellation with prejudice will be entered against petitioner.