

TTAB

July 13, 2010

Via USPS Express Mail: EH 840340446

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

73 90915

RE: Registration No. 2287358
Cancellation No. 92050258

LA GUNS INTERNATIONAL LLC

PLAINTIFF,

V.

**THE STEPHEN RILEY AND
TRACI GUNS PARTNERSHIP**

REGISTRANT/DEFENDANT,

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Dear Ms. Amy Matelski,

Please find enclosed Plaintiff's request to continue the case and allowance to file a main brief, as we have not lost interest in the disputed matters before this Board.

We greatly appreciate your service and consideration of these important matters.

Sincerely,

Gabe Reed
Attorney for Plaintiff
LA GUNS INTERNATIONAL LLC

THE CRESCENT - 7TH FLOOR
100 CRESCENT COURT
DALLAS, TX 75201
214-459-8280 GABEREED@AOL.COM



07-13-2010

U.S. Patent & Trademark Trial and Appeal Board

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

Mailed: June 16, 2010

Cancellation No. 92050258

LA Guns International LLC

v.

The Stephen Riley and Traci
Guns Partnership

Amy Matelski, Paralegal Specialist:

The Board's order dated May 4, 2010 was returned to the Board as undeliverable to petitioner. A more recent address has been obtained for petitioner. In view thereof, the Board's order dated May 4, 2010 is hereby remailed.

It is noted by the Board that petitioner'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 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 the petition for cancellation with prejudice will be entered against petitioner.

GABE REED
The Crescent - 7th Floor
100 Crescent Court
Dallas, TX 75201
214-459-8280

Attorney for Plaintiff
LA GUNS INTERNATIONAL LLC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF: REGISTRATION NO. 2287358
CANCELLATION NO. 92050258

LA GUNS INTERNATIONAL LLC *
*
PLAINTIFF, *
*
V. *
*
THE STEPHEN RILEY AND *
TRACI GUNS PARTNERSHIP *
*
REGISTRANT/DEFENDANT, *

PLAINTIFF'S RESPONSE TO ORDER SHOWING CAUSE TO ALLOW CASE TO
CONTINUE AND ALLOW FOR MAIN BRIEF

Comes Now, Plaintiff – LA GUNS INTERNATIONAL LLC, by and through its Attorney of Record, affirmatively informing the Board of its request to continue the case at hand. The Plaintiff asserts that its failure to file a Main Brief was unintentional and due to excusable neglect and should not be considered a concession of the case.

Furthermore, pursuant to 37 CFR § 2.128(a), Plaintiff respectfully moves the Board to allow the filing of a Plaintiff's Main Brief by a date set forth by the Board, allowing for

30 days/ 60 days/ or whatever time the Board deems, then affording the Registrant/Defendant a reasonable time to respond thereto.

It has been our hope and effort to reach a settlement between the parties over the disputed Service Mark, but thus far the parties have refused to settle and the Registrant/Defendant continues to make an unauthorized use of the Service Mark. We intend to comply with the Board's ruling on this matter and respectfully request that Plaintiff be allowed to establish its rights regarding the disputed issues before this Board.

Respectfully Submitted,

LA GUNS INTERNATIONAL LLC

By: _____

Gabe Reed
Attorney for Plaintiff
LA GUNS INTERNATIONAL LLC
The Crescent - 7th Floor
100 Crescent Court
Dallas, TX 75201
214-459-8280
GabeReed@lugin.com

CERTIFICATE OF SERVICE

IN THE MATTER OF: REGISTRATION NO. 2287358
CANCELLATION NO. 92050258

LA GUNS INTERNATIONAL LLC *
*
PLAINTIFF, *
*
V. *
*
THE STEPHEN RILEY AND *
TRACI GUNS PARTNERSHIP *
*
REGISTRANT/DEFENDANT, *

I HEREBY CERTIFY that on this 13th day of July, 2010, I caused to be served the following: PLAINTIFF'S RESPONSE TO ORDER SHOWING CAUSE TO ALLOW CASE TO CONTINUE AND ALLOW FOR MAIN BRIEF

By USPS OVERNIGHT EXPRESS MAIL SERVICE to the person at the address set forth below.

NAME & ADDRESS OF PERSON BEING SERVED:

S. Martin Keleti
Cohen and Cohen
8340 Melrose Avenue
Los Angeles, CA 90069-5420
(323) 655-4444

I HEREBY DECLARE that the foregoing is true and correct. Dated: July 13th, 2010



Gabe Reed
Attorney for Plaintiff
LA GUNS INTERNATIONAL LLC
The Crescent - 7th Floor
100 Crescent Court
Dallas, TX 75201
214-459-8280
GabeReed@laoguns.com