

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

Mailed: January 10, 2014

Cancellation No. 92057379

Astarté Cosmetics, Inc.

v.

My Shade of Brown

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

Notice of Default Vacated

Answer was due in this case on July 31, 2013. On August 19, 2013, without having associated respondent's earlier-filed, July 30, 2013 combined motion to extend time and voluntary surrender<sup>1</sup> with this case, the Board issued an order entering notice of default against respondent because it appeared that no answer, motion, or other appearance had been filed. In response thereto, respondent filed (on September 18, 2013) a statement that it had made a timely

---

<sup>1</sup> Respondent identified the filing (in ESTTA) as a "Voluntary Surrender of Registration."

filing; and, thereafter, respondent's July 30, 2013 filing was associated with this proceeding.<sup>2</sup>

In view of respondent's July 30, 2013 filing, the Board's August 19, 2013 notice of default is **vacated**.

Show Cause

By way of the July 30, 2013 filing, respondent states, inter alia, that it would "like to settle with" opposer, and that after August 30, 2013, it will "no longer use the [subject] mark 'My Shade of Brown.'" By way of the September 18, 2013 filing, respondent states, inter alia, that it "will soon not use the [subject] mark My Shade of Brown" and will "stop using this mark" within "a suitable time period."

In view of respondent's statements that it will no longer use the subject mark, and respondent's identification of the July 30, 2013 filing as a voluntary surrender of the registration, respondent is allowed until **thirty days** from the mailing date of this order in which to **show cause** why the Board should not construe the July 30 and September 18, 2013 filings as voluntary surrenders of Registration No. 4256137 under Section 7(e) of the Trademark Act without the written consent of petitioner. See Trademark Rule 2.134(a) (if respondent applies to cancel involved registration

---

<sup>2</sup> The Board regrets any inconvenience caused by the late association of the July 30, 2013 filing with the case file.

Cancellation No. 92057379

without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent).

Suspension

Proceedings are suspended pending a response (if any) from respondent.