

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: July 10, 2015

Cancellation No. 92057518

The George Nelson Foundation

v.

Empire IP Holdings LLC

Karl Kochersperger, Paralegal Specialist:

On May 19, 2015, the Board allowed Respondent time to show cause why such cancellation under Section 8 of its involved registration should not be deemed to be the equivalent of a cancellation by request of Respondent without the consent of the adverse party, and should not result in entry of judgment against Respondent as provided by Trademark Rule 2.134(a).

On June 18, 2015, Respondent filed a response to the Board's show cause order and explained that its failure to file a Section 8 affidavit was the result of inadvertence or mistake. Respondent's response is accepted for good cause shown and judgment is not entered against Respondent at this time.

In that case, Petitioner is allowed thirty days from the mailing date of this order to elect whether it wishes to go forward with the cancellation proceeding, or to have the cancellation proceeding dismissed without prejudice as moot. *See Marshall*

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Field & Co. v. Mrs. Fields Cookies, 11 USPQ2d 1154, 1156 (TTAB 1989), and TBMP
§ 602.02(b).