

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Baxley

Mailed: October 6, 2004

Opposition No. **91156531**

Verilux, Inc.

v.

Linaya Gail Hahn

**Andrew P. Baxley, Interlocutory Attorney:**

Opposer's time for filing a brief on the case has expired, and no brief is of record herein. 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 fifteen 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, opposer 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 notice of opposition with prejudice will be entered against opposer.