

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

Baxley

Mailed: October 5, 2006

Opposition No. 91161533

Outdoor Life Network, L.L.C.

v.

Brian P. Hagerty

Andrew P. Baxley, Interlocutory Attorney:

Opposer's time for filing a brief on the case has expired, and no brief is of record. Trademark Rule 2.128(a)(3) provides that when a plaintiff fails to file a main brief on the case, the Board may issue an order requiring plaintiff 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 respond to the order or responds by 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

the notice of opposition with prejudice will be entered against opposer.¹

¹ The Board further notes that opposer filed no evidence and appears to have taken no testimony during its testimony period. Accordingly, dismissal of this opposition may be appropriate based on opposer's failure to prosecute. See Trademark Rule 2.132(a); TBMP Section 534 (2d ed. rev. 2004).