

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

Baxley

Mailed: July 3, 2006

Opposition No. **91161884**

Asterisk LLC

v.

Ryan Michael Carroll

Andrew P. Baxley, Interlocutory Attorney:

Opposer's time for filing a brief on the case has expired, and no such brief is of record.¹ Trademark Rule 2.128(a)(3) provides that when a plaintiff does not file a brief on the case, the Board may issue an order requiring plaintiff to show cause why the Board should not treat the failure to file a brief on the case 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.

Accordingly, opposer is allowed until thirty days from the mailing date set forth in the caption of this order to show cause why the Board should not treat its failure to file

¹ Further, the Board notes that opposer's testimony period has closed and opposer filed no evidence and appears to have taken no testimony. Accordingly, dismissal may appropriate under Trademark Rule 2.132(b) on the ground that opposer has shown no right to relief. See TBMP Section 534.03 (2d ed. rev. 2004).

a brief as a concession of the case, failing which a judgment dismissing the notice of opposition with prejudice will be entered against opposer.