

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

Mailed: January 11, 2007

Opposition No. 91166669

LEINER HEALTH SERVICES
CORP

v.

LINDORA, INC.

David Mermelstein, Administrative Trademark Judge:

It is noted by the Board that opposer's time for filing a brief on the case has expired, and no brief has been filed.¹ 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.

¹ We also note that opposer's testimony period concluded on July 10, 2002. The record does not indicate that opposer has filed testimony or any other evidence in support of its case. See Trademark Rule 2.132(a).

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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.

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