

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

RA

Mailed: June 9, 2011

Opposition No. 91192254 (Parent)

Opposition No. 91192257

Opposition No. 91192258

Health Management
Resources Corporation

v.

Western Holdings LLC

**Robert H. Coggins,
Interlocutory Attorney:**

It is noted that opposer's time for filing a brief on the case has expired, and no brief has been filed. 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 the notice of opposition with prejudice will be entered against opposer.¹

¹ It also appears that opposer did not take testimony or otherwise introduce any evidence. See TBMP § 536 (3d ed. 2011) (even if the show cause order is discharged, the plaintiff's claims may be dismissed if plaintiff placed no evidence in the record).