UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

JST/Hassan

Mailed: March 11, 2003

Opposition No. 91080323
Cancellation No. 92018246

GAYLORD ENTERTAINMENT CO.

v.

CALVIN GILMORE PRODUCTIONS, INC.

On November 26, 2002, the Board issued an order allowing applicant/respondent thirty days to obtain opposer's written consent to the abandonment of involved application Serial No. 73/687,657[1] and the parties thirty days to inform the Board of the disposition of a civil action between them.

A review of the proceeding record shows that: (1) applicant did not file opposer's written consent to the abandonment of the involved application; and (2) on December 6, 2002, opposer/petitioner filed a copy of the Final Judgment rendered in the referenced civil action - Civil Action No. 3-00-0460 in the U.S. District Court for the Middle District of Tennessee.

[1] The Board informed applicant in the November 27 order that failure to obtain opposer's written consent would result in judgment against applicant.

As regards Opposition No. 9108323, because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

As regards Cancellation No. 92018246, while it is noted that the U.S. District Court for the Middle District of Tennessee in its Judgment did not order the Office to cancel involved Registration No. 1,495,449, it nonetheless appears that a favorable judgment was entered on behalf of petitioner. In view thereof, respondent is allowed until thirty days from the mailing date of this order to show cause why judgment should not be entered against it in the cancellation proceeding consistent with the decision of the district court. If no response is received, judgment will be entered against respondent for its apparent loss of interest in this matter.

By the Trademark Trial and Appeal Board