

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

Mailed: September 30, 2004

Opposition No. 92030051

**NATURAL ENERGY UNLIMITED
INC.**

v.

GOLDEN GEM GROWERS, INC.

Janice D. Hyman, Paralegal Specialist:

The Board issued an order on June 15, 2004, requesting that the defendant inform the Board of the status of the bankruptcy case. Inasmuch, as there has been no word from either party concerning the status of the bankruptcy case, proceedings herein are resumed.

It is noted by the Board that petitioner'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 15 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, petitioner 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 petition for cancellation with prejudice will be entered against petitioner.

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Paralegal,
Trademark Trial and
Appeal Board
(703) 308-9330, ext.