

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

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MAR 4 2005

PAT. & T.M. OFFICE

Cancellation No. 92032273

THE LAMAUR CORPORATION

v.

Y.Z.Y., INC.

**Elizabeth A. Dunn, Attorney:**

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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After a notice of opposition is filed against a trademark application, the trademark application is subject to the Trademark Trial and Appeal Board's jurisdiction. Any papers relating to the application (such as amendments to the application, changes in address, ownership or legal representation, and abandonments or express withdrawals) should be filed with the Board while the opposition is pending, with copies served on all parties to the proceeding.

The electronic filing systems for trademark applications (TEAS) and the Trademark Trial and Appeal Board (ESTTA) do not share data.

If a paper relating to the application and filed while an opposition is pending does not appear in the Board's electronic proceeding file (TTABVUE available at [www.uspto.gov](http://www.uspto.gov)), parties to Board proceedings are encouraged to review the electronic trademark application file (TICRS available at [www.uspto.gov](http://www.uspto.gov)) and, if necessary, re-file the paper with the Board.