

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

Mailed: February 28, 2004

Cancellation No.92041245

BOTICA COMERCIAL FARMACEUTICA
LTDA.

v.

CONAIR CIP, INC.

It has come to the attention of the Board that respondent has permitted the registration involved in this proceeding to be cancelled under Section 8 of the Trademark Act. Registration No. 2,004,313 was cancelled on July 5, 2003.

In view thereof, respondent is allowed until twenty days from the mailing date of this order to show cause why such cancellation should not be deemed to be the equivalent of a cancellation by request of respondent without the consent of the adverse party, and should not result in entry of judgment against respondent as provided by Trademark Rule 2.134(a). In the absence of a showing of good and sufficient cause, judgment may be entered against respondent. See Trademark Rule 2.134(b).

If, in response to this order, respondent submits a showing that its failure to file a Section 8 affidavit was the result of inadvertence or mistake, judgment will not be entered against it.

In that case, petitioner will be given time in which to elect whether it wishes to go forward with the cancellation proceeding, or to have the cancellation proceeding dismissed without prejudice as moot. See *C. H. Guenther & Son Inc. v. Whitewing Ranch Co.*, 8 USPQ2d 1450 (TTAB 1988) and TBMP § 602.02(b).

Karl Kochersperger, Paralegal