

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

Mailed: April 2, 2007

Cancellation No. 92044316

Bad Habits Inc.

v.

Charles H. Ross, Jr.

**Robert H. Coggins, Interlocutory 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

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concession of the case, failing which a judgment dismissing the petition for cancellation with prejudice will be entered against petitioner.

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