

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

Mailed: March 10, 2011

Cancellation No. 92053537

Modern Housing, LLC

v.

American Casino and
Entertainment Properties,
LLC

**George C. Pologeorgis,
Interlocutory Attorney:**

On March 8, 2011, respondent filed what appears to be a copy of civil action complaint filed in the United States District Court for the District of Nevada which concerns an action involving the parties to this cancellation proceeding. The Board notes that the ESTTA filing cover sheet accompanying the filing indicates that the submission is a motion to suspend for civil action.

Respondent's filing, however, does not include a stand alone motion or a brief embodying a motion which seeks any action from the Board, as required by Trademark Rule 2.127(a). Merely identifying the type of submission on the ESTTA filing cover sheet does not satisfy Rule 2.127(a).

Accordingly, respondent's March 8, 2011 submission will be given no further consideration.

As a final matter, answer was due in this case on **March 7, 2011**.¹ Inasmuch as it appears that no answer has been filed, nor has respondent filed a timely motion to extend its time to answer, notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).

Respondent is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b).

Proceedings are otherwise suspended.

¹ While the Board's January 24, 2011 institution order sets the deadline for filing an answer to be March 5, 2011, which fell on a Saturday, respondent was entitled to file its answer on the following business day, i.e., Monday, March 7, 2011. See Trademark Rule 2.196.