

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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EJW

January 19, 2023

Cancellation No. 92077020

*Frontera Produce LTD, LP*

*v.*

*Abundant Harvest Organics*

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

The Board notes that the registration involved in this proceeding has been cancelled under Section 8 of the Trademark Act in view of Respondent's failure to submit an acceptable specimen of use and declaration in support thereof.<sup>1</sup>

In view thereof, Respondent is allowed until **TWENTY DAYS** from the 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).

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<sup>1</sup> Pursuant to Trademark Rule 2.122(b)(1), the file of each registration against which a petition for cancellation is filed forms part of the record of the proceeding without any action by the parties and reference may be made to the file for any relevant and competent purpose in accordance with paragraph (b)(2) of this section.

If, in response to this order, Respondent submits a showing that the failure to file a sufficient Section 8 affidavit was the result of inadvertence or mistake, judgment will not be entered against it. In that case, Petitioner will be allowed 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 Marshall Field & Co. v. Mrs. Fields Cookies*, 11 USPQ2d 1154, 1156 (TTAB 1989), and TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 602.02(b) (2022).