

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

Mailed: May 21, 2004

Concurrent Use No. 94002003

SONNET DIGITAL MEDIA CORP.

v.

SONNET NETWORKING

Frances S. Wolfson, Interlocutory Attorney:

It is noted by the Board that concurrent use applicant's (Sonnet Digital Media Corp.) 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 plaintiff¹ fails to file a main brief, an order may be issued allowing plaintiff until a set time, not less than fifteen 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.

¹ The concurrent use applicant stands in the position of plaintiff in a concurrent use proceeding.

In view of the above, Sonnet Digital Media Corp. 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 dissolving the concurrent use proceeding with prejudice will be entered against concurrent use applicant Sonnet Digital Media Corp.

New Developments at the Trademark Trial and Appeal Board

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers remain available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.
- Papers can now be filed using ESTTA (Electronic System for Trademark Trials and Appeals). See <http://estta.uspto.gov/> regarding procedures for filing papers online using ESTTA.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf).