

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

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Mailed: May 5, 2004

Opposition No. 91122000

AMAZON.COM, INC.

v.

VON ERIC LERNER KALAYDJIAN

Albert Zervas, Interlocutory Attorney

On September 25, 2001, the Board suspended proceedings in this case in view of a civil action between the parties. Subsequently, on January 14, 2004, pursuant to an inquiry by the Board, opposer informed the Board that the civil action had been concluded and stated that it wishes to go forward with the opposition.

Accordingly, proceedings herein are resumed and applicant is allowed until **thirty days** from the mailing date of this order to file an answer to the notice of opposition. Discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: November 30, 2004

30-day testimony period for party
in position of plaintiff to close: February 28, 2005

30-day testimony period for party
in position of defendant to close: April 29, 2005

15-day rebuttal testimony period to close: June 13, 2005

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Additionally, on February 4, 2004, applicant filed a revocation of his power of attorney and informed the Board that he wishes to proceed pro se in this case.¹ Applicant's revocation has been entered into the record and the Board file for this proceeding has been updated to reflect applicant's address as the correspondence address for applicant.

Applicant should note that Trademark Rules 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicant may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or

¹ Applicant's revocation does not show proof of service thereof on opposer's attorney or record in accordance with Trademark Rule 2.119. In view thereof, applicant is allowed until **twenty days** from the mailing date of this order to serve a duplicate copy of his revocation on

appearing on the paper when filed, will be accepted as prima facie proof of service.

It is recommended that applicant obtain a copy of the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice, and is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Strict compliance with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.²

opposer's attorney of record. Strict compliance with Trademark Rule 2.119 is required in all papers filed with the Board.

² The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is available on the World Wide Web at <http://www.uspto.gov>.