

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

Mailed: 6/8/2004

Opposition No. 91154712

Statek Corporation

v.

DIPL.-ING Rainer Puls and
DIPL.-ING Oliver Puls

Linda Skoro, Interlocutory Attorney

A notice of opposition in this matter was filed on January 13, 2003 and instituted on January 25, 2003. This proceeding currently has pending two motions: (1) opposer's motion to compel discovery, filed October 14, 2003 and (2) opposer's motion for summary judgment, also filed October 14, 2003. Three items of correspondence have been received from a Mr. Klaus Bach.¹

The first item received in the Board proceeding from Mr. Bach was a response to the institution order containing, what appeared to be, a request to amend the identification of goods in the application and a copy of a German Registration. Due to the informal nature of the response, Mr. Bach was advised

¹ Mr. Bach made an appearance in the original application as a correspondence address and signing the application transmittal letter with his Patent Registration Number.

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of the correct procedures by Board order dated April 16, 2003. On June 17, 2003 the Board received a communication, in the form of a letter, that has been accepted as the defendants' answer in this proceeding. The final item of correspondence received from Mr. Bach was on February 25, 2004 and what has been deemed by opposer as a response to its motions filed on October 14, 2003.

Due to the unfamiliarity of Mr. Bach with trademark litigation procedures, a review of this proceeding revealed that Mr. Bach is a registered patent agent with the Office.² There is no evidence that Mr. Bach has a license to practice law and thereby represent defendants in this trademark opposition proceeding. Patent and Trademark Rule 10.14(b), 37 CFR § 10.14(b), provides that non-lawyers

are not recognized to practice before the Office in trademark and other non-patent cases, except that individuals not attorneys who were recognized to practice before the Office in trademark cases under this chapter prior to Jan. 1, 1957, will be recognized as agents to continue practice before the Office in trademark cases.³

² According to the Office records, Mr. Bach became a registered agent in 1973 and will not qualify for the regulatory exception to practice trademark law before the office.

³ Individuals who qualify under the above exception as authorized representatives, *i.e.*, having been recognized prior to 1957 to practice before the Office in trademark cases, must file in the proceeding a written authorization from the party that he represents. See 37 CFR § 2.17(b).

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Due to what appears to be an unauthorized representation, Mr. Bach is allowed **THIRTY DAYS** from the mailing date of this order within which to provide the Board evidence of his ability to represent a party in this proceeding. This can be accomplished by providing an original certificate that Klaus J. Bach is currently a member in good standing of the highest bar of a state. If he is not entitled to represent defendants, the Board cannot accept any of the filings that have been made to date in this proceeding and signed by Mr. Bach, and defendants will be allowed time to arrange for other representation, together with authorized filings.

In light of the foregoing, proceedings in this matter remain suspended pending Mr. Bach's response to this order.

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