



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

TTAB

Mailed: May 1, 2007

Opposition No. 91167219

CYI, Inc.

#78447127

v.

Gary Ahlert

Cheryl Goodman, Interlocutory Attorney:

In response to the Board's order dated February 1, 2007, applicant has filed a paper advising that it did not receive the original communication from opposer that generated the Board's order and seeking all future correspondence of the parties be sent by a "recognized carrier requiring signatures." Applicant also requests a street address so that it can send papers by UPS or federal express.

It is noted that both parties have filed papers in this proceeding in the form of letters with an indication of "cc:" to the other party.

The parties are advised that in accordance with Trademark Rule 2.119, all filings with the Board must include a certificate of service. The inclusion of such certificate is accepted as prima facie proof of service. Any papers filed with the Board which do not include the

05-11-2007

certificate of service will not be considered. Trademark Rule 2.119. All future papers that are filed should be in the proper form as set forth in TBMP Section 106 (2d ed. rev. 2004).

To the extent that applicant seeks a requirement from the Board that the parties provide filings by certified or express mail, applicant's request is denied at this time.

The street address for sending express mail is as follows:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Opposer's motion, filed February 26, 2007, to reopen is granted as conceded.¹

Discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE:	August 2, 2007
30-day testimony period for party in position of plaintiff to close:	October 31, 2007
30-day testimony period for party in position of defendant to close:	December 30, 2007
15-day rebuttal testimony period for party in position of plaintiff to close:	February 13, 2008

¹ Opposer's motion was accompanied by a certificate of service indicating service on applicant on February 26, 2007. This is accepted as prima facie proof of service on applicant. See Trademark Rule 2.119(a).

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.



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Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91167219

Filing Date: 10/11/2005

Status: Pending

Status Date: 10/31/2005

Prolocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Ahlert, Gary
Address: GARY AHLERT
 Creative Group Marketing
 400 MAIN ST STE 210
 STAMFORD, CT 06901-3004
Serial #: 78447127
Status: Opposition Pending
Mark: MEGAZOOKA

Plaintiff

Name: CYI, Inc.
Address: Howard C. Miskin
 Stoll, Miskin & Badie
 The Empire State Building 350 Fifth Avenue, Suite 4710
 New York, NY 10118
 howard@smbtlaw.com
Date: 10/12/2005

Proceedings

#	Date	Event / Description	Due Date
14	05/0	INITIAL DATES RESET	
13	02/2	MOTION TO REOPEN DISCOVERY	
12	02/0	COMMUNICATION	
11	02/0	INITIAL DATES REMAIN SET	
10	10/	MOTION TO STRIKE	
9	10/	ANSWER	
8	10/	NOTICE OF DEFAULT IS SET ASIDE. APP ALLOWED 30 DAYS TO PROVIDE PROPER ANSWER AS SET FORTH IN THE BOARD ORDER	
7	09/0	RESPONSE TO BOARD ORDER/INQUIRY	
6	08/3	APP IS ALLOWED THIRTY DAYS FROM THE MAILING DATE OF THIS ORDER TO SHOW CAUSE	
5	05/	ANSWER DUE (DUE DATE)	
4	11/	ANSWER	
3	10/	OPPOSITION PENDING, INSTITUTED	
2	10/	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	12/10/2005
1	10/	OPPOSITION AND FEE	

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