

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

Mailed: December 1, 2006

Opposition Nos. **91167879**  
**91169101**

ACADEMY OF INTERNATIONAL  
BUSINESS

v.

Alans International Business  
Enterprise (AIBE) and Raissa  
N. Roubtsova<sup>1</sup>

Linda Skoro, Interlocutory Attorney

Consolidation

A review of the pleadings in the above-identified opposition proceedings indicates that the parties are the same and the proceedings involve substantially identical questions of fact and law.

Since the marks sought to be registered by applicant in its applications are very similar, on the basis that the marks are confusing similar, it is believed that these proceedings may be presented on the same record without appreciable inconvenience or confusion. Moreover, the

---

<sup>1</sup> Raissa N. Roubtsova is being joined as a party defendant in light of the assignment of the applications.

Opposition Nos. 91167879 & 91169101

consolidation would be equally advantageous to both parties in the avoidance of the duplication of effort, loss of time, and the extra expense involved in conducting the proceedings individually. See Rule 42(a) of the Federal Rules of Civil Procedure.

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989). As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear all proceeding numbers in its caption. Exceptions to the general rule of one copy involve stipulated extensions of the discovery and trial dates and briefs on the case, which require additional copies. See Trademark Rules 2.121(d) and 2.128.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings and a copy of the decision shall be placed in each proceeding file. The parent case is the opposition proceeding that was instituted first, 91167879.

#### Ownership of Applications

The applications which are the subject of these oppositions were originally filed and owned by Alans

Opposition Nos. 91167879 & 91169101

International Business Enterprise, a California Corporation. They were published for opposition and opposed by the Academy of International Business on December 7, 2006 and February 8, 2006, respectively. Answers were filed electronically by Dr. Alan S. Khade.<sup>2</sup> In an attempt to obtain answers to its discovery requests, opposer tried several email addresses and sent a letter through the U.S. Postal Service without receiving any response. On July 24, 2006 opposer filed a motion to compel. On August 11, 2006 the Board received an electronic filing<sup>3</sup> entitled "Response to Opposer's Motion to Compel Discovery", submitted by Vijay Khade as general manager of applicant, with a correspondence address in India. This filing states, among other things, that applicant is not the current owner of the mark and that since May 1, 2006 "Dr. Alan S. Khade is not an authorized officer to communicate with the Opposer for and on behalf of Alans International Business Enterprise."

On August 23, 2006 the Board issued an email order indicating that it had received two telephone messages from Dr. Alan Khade which indicated that he did not know what to do about the motion to compel since he was no longer the

---

<sup>2</sup> By his signature in application Serial No. 78504403, Dr. Alan S. Khade is identified as the managing editor of applicant. Application Serial No. 78624734 is signed by Dr. Shivaji B. Khade, who is identified as applicant's President and CEO.

<sup>3</sup> There was no certificate of service of this filing on opposer.

Opposition Nos. 91167879 & 91169101

applicant. A search of the Office records revealed an assignment of the applications to a Raissa N. Roubtsova in the Russian Federation.<sup>4</sup> With it being clear that the Board no longer had a valid correspondence address for the applicant, or knew who the applicant was, the email order was sent to [Admin@aibe.org](mailto:Admin@aibe.org) and applicant was allowed twenty days, or until September 12, 2006, to clarify the owner, who is representing applicant and to provide a correspondence address in the United States. On September 14, 2006 the Board received a document from Raissa N. Roubtsova, as "owner/applicant" stating that s/he is the owner of each of the applications.<sup>5</sup> However, M/M Roubtsova did not provide a correspondence address in the United States as requested and completed the electronic filing "Correspondence Address" box as "AIBE, 983 Woodland Drive, Turlock, CA 95382-7281". Because confusion persists as to an appropriate correspondence address, the Board is going to correspond directly with M/M Roubtsova<sup>6</sup> at: 93 Boldina Street, 12, Tula, 300 028 Russia.<sup>7</sup>

---

<sup>4</sup> Two assignments were recorded on July 22, 2006, each with an execution date of May 1, 2006. They appear at Reel 3353/Frame 0323 (Serial No. 78504403) and Reel 3353/Frame 0320 (Serial No. 78624734).

<sup>5</sup> In Opposition 91167869 a copy of a handwritten document was also submitted in a language other than English. This document cannot be considered without a translation.

<sup>6</sup> Trademark Rule 2.119(d) provides, in part "If the party has not appointed a domestic representative and the proceeding is not being prosecuted by an attorney at law or other qualified person,

Opposer's Motion to Compel

Opposer's first motion to compel was filed on July 24, 2006, with its discovery requests having been sent on May 19, 2006, to the applicant at the time and at the only correspondence address of record. The applicant of record at the time was aware of the motion to compel, yet no response was filed by or on behalf of Alan's International Business Enterprise (AIBE) until August 11, 2006 by a putative "General Manager" who made statements that applicant was not the current owner of the mark; that opposer did not respond to the applicant's interrogatories<sup>8</sup> and that then applicant did not receive opposers's documents or emails<sup>9</sup>; and that Dr. Alan S. Khade is not authorized "to communicate with the opposer for and on behalf of Alans International Business Enterprise". To date, no response to opposer's discovery requests have been received. Accordingly, opposer's motion to compel is hereby granted.

Because the assignment of these applications occurred while this proceeding was pending, the assignee,

---

the Office will send correspondence directly to the party, unless the party designates in writing another address to which correspondence is to be sent...."

<sup>7</sup> It is also noted that an email address of [RaissaTula@gmail.com](mailto:RaissaTula@gmail.com) has been provided.

<sup>8</sup> There is no evidence to support the statement that applicant served discovery upon opposer.

<sup>9</sup> This denial of receipt will not relieve the then-applicant's burden of responding to opposer's discovery requests.

Opposition Nos. 91167879 & 91169101

Raissa N. Roubtsova, is being joined, rather than substituted as a party defendant to facilitate discovery. See 37 CFR § 2.113(c) and Fed. R. Civ. P. 17(a) and 25(c) and *Western Worldwide Enterprises Group Inc. v. Qingdao Brewery*, 17 USPQ2d 1137, 1138 n.4 (TTAB 1990) (assignee joined after filing copy of an assignment which occurred subsequent to commencement of proceeding). Because the Office will not conduct double correspondence, the new applicant of record is responsible for obtaining whatever information and documentation is necessary to respond fully, without objection, to opposer's discovery requests and to send the responses directly to opposer's counsel within **THIRTY DAYS** of the mailing date of this order. Trademark Rule 2.127(a). Applicant can obtain a copy of the discovery requests in each of the two opposition proceedings online, through TTABVUE<sup>10</sup>, as opposer has submitted the requests as exhibits to its motions to compel.

Finally, it is noted that applicant Roubtsova intends to represent itself in this proceeding. While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board to secure

---

<sup>10</sup> TTABVUE can be accessed through [www.uspto.gov/trademarks/view](http://www.uspto.gov/trademarks/view) TTAB files.

Opposition Nos. 91167879 & 91169101

the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In addition, 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 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 Title 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.<sup>11</sup>

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is

---

<sup>11</sup> The Trademark Rules of Practice and the Trademark Trial and Appeal Board Manual of Procedure (TBMP) are available on the World Wide Web at <http://www.uspto.gov>.

Opposition Nos. 91167879 & 91169101

expected of all parties before the Board, whether or not they are represented by counsel.

Trial dates, including discovery, are hereby reset as indicated below:

DISCOVERY PERIOD TO CLOSE:	<b>3/30/2007</b>
30-day testimony period for party in position of plaintiff to close:	<b>6/28/2007</b>
30-day testimony period for party in position of defendant to close:	<b>8/27/2007</b>
15-day rebuttal testimony period to close:	<b>10/11/2007</b>

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.