

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

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Mailed: May 2, 2007

Opposition No. 91175280

Magnadyne Corporation

v.

Movievision Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Applicant' February 12, 2007 answer to the notice of opposition is accepted and made of record.

Discovery and trial dates remain as set in the institution order dated January 24, 2007.

PRO SE INFORMATION

It appears that applicant intends to represent itself in this proceeding. Applicant is reminded that it will be expected to comply with all applicable rules and Board practices during the remainder of this case. The Trademark Rules of Practice, other federal regulations governing practice before the Patent and Trademark Office, and many of the Federal Rules of Civil Procedure govern the conduct of this cancellation proceeding. Applicant should note that Patent and Trademark Rule 10.14 permits any person or legal entity to represent itself in a Board proceeding, though it

is generally advisable for those unfamiliar with the applicable rules to secure the services of an attorney familiar with such matters.

SOURCES OF RELEVANT INFORMATION

If applicant does not retain counsel, then applicant will have to familiarize itself with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure, are likely to be found at most law libraries, and may be available at some public libraries. Finally, the Board's manual of procedure ("TBMP") will be helpful.

On the World Wide Web, applicant may access most of these materials by logging onto <http://www.uspto.gov> and making the connection to trademark materials, including TTAB specific materials.

OBSERVATIONS REGARDING SPECIFIC RULES

One rule that applicant must pay particular attention to is Trademark Rule 2.119.¹ That rule requires a party filing any paper with the Board during the course of a proceeding to serve a copy on its adversary, unless the adversary is represented by counsel, in which case, the copy must be served on the adversary's counsel. With the paper that it filed with the Board, the party filing the paper must include "proof of service" of the copy. "Proof of

service" usually consists of a signed, dated statement attesting to the following matters: (1) the nature of the paper being served; (2) the method of service (e.g., first class mail); (3) the person being served and the address used to effect service; and (4) the date of service.

Also, applicant should note that any paper it is required to file herein must be received by the Patent and Trademark Office by the due date, unless one of the filing procedures set forth in Trademark Rules 2.197 and 2.198 is utilized. These rules are in part two of Title 37 of the previously discussed Code of Federal Regulations.

Files of TTAB proceedings can now be examined using TTABVue, 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.

The first revision of the second edition (March 2004) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at www.uspto.gov/web/offices/dcom/ttab/tbmp/.



¹ The Board notes in passing that applicant complied with this Rule in filing its answer.