

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

gcp/jk

Mailed: August 8, 2008

Opposition No. 91182357

CONVERSE INC.

v.

ILIAS PEPROPOULOS

George C. Pologeorgis, Interlocutory Attorney:

Applicant filed a communication on March 14, 2008 (via certificate of mailing).<sup>1</sup> It is presumed that this communication is intended as an answer to the notice of opposition. This informal "answer," however, is argumentative and more in the nature of a brief on the case than a responsive pleading to the notice of opposition, as required by Rule 8(b) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Trademark Rule 2.116(a).

Fed. R. Civ. P. 8(b) provides, in part:

A party shall state in short and plain terms the party's defenses to each claim asserted and shall admit or deny

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<sup>1</sup> Applicant's communication does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119 (more fully explained later in this order). To expedite this matter, the Board includes a copy of said communication with opposer's copy of this order. Strict compliance with Trademark Rule 2.119 is required in all papers filed with the Board.

the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder.

The notice of opposition consists of 22 paragraphs setting forth the basis of opposer's claim(s). In accordance with Fed. R. Civ. P. 8(b) it is incumbent on applicant to answer the notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial.

In view of the foregoing, applicant is allowed twenty (20) days from the mailing date of this order in which to file with the Board and properly serve upon opposer an answer which complies with Fed. R. Civ. P. 8, failing which the Board will enter default judgment against applicant.

The trial schedule for this proceeding is reset as follows:

Time to Answer	8/26/2008
Deadline for Discovery Conference	9/25/2008
Discovery Opens	9/25/2008

Initial Disclosures Due	10/25/2008
Expert Disclosures Due	2/22/2009
Discovery Closes	3/24/2009
Plaintiff's Pretrial Disclosures	5/8/2009
Plaintiff's 30-day Trial Period Ends	6/22/2009
Defendant's Pretrial Disclosures	7/7/2009
Defendant's 30-day Trial Period Ends	8/21/2009
Plaintiff's Rebuttal Disclosures	9/5/2009
Plaintiff's 15-day Rebuttal Period Ends	10/5/2009

As a final matter, opposer's motion (filed April 9, 2008) for default judgment or in the alternative to strike answer is noted. Pursuant to the Board's institution order of February 8, 2008, answer was due on or before March 19, 2008. Applicant filed its informal answer on March 14, 2008. In view thereof, opposer's motion is moot and will be given no further consideration.

Information for pro se party

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, including its answer to the notice of opposition, must be served and accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or

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

While Patent and Trademark Rule 10.14 permits any person to represent itself, it is strongly advised for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

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. These rules may be viewed at the USPTO's trademarks page:

<http://www.uspto.gov/main/trademarks.htm>. The Board's main webpage (<http://www.uspto.gov/web/offices/dcom/ttab/>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a link to the Board's manual of procedure (the TBMP).

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is required of all parties before the Board, whether or not they are represented by counsel. The Board may decline to consider

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any paper which is not properly served or does not otherwise  
comply with the Trademark Rules of Procedure.