

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

JK

Mailed: September 18, 2008

Opposition No. 91182357

Converse Inc.

v.

Ilias Pepropoulos

Jennifer Krisp, Interlocutory Attorney:

In its August 8, 2008 order, the Board provided applicant twenty (20) days from the mailing date thereof, namely, until August 28, 2008, to file a proper answer to the notice of opposition, pursuant to Fed. R. Civ. P. 8.

Applicant's communication filed on September 5, 2008 appears to have been filed in response to said order. Applicant's communication, however, is untimely, fails to comply with Fed. R. Civ. P. 8, fails to answer each of the paragraphs contained in the notice of opposition, and fails to indicate proof of service thereof on opposer as required by Trademark Rule 2.119.<sup>1</sup>

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<sup>1</sup> The Board explained the requirements of Trademark Rule 2.119 in its February 8, 2008 institution of this opposition, and again in its August 8, 2008 order. To expedite matters, the Board includes a copy of applicant's September 5, 2008 filing with opposer's copy of this order. Inasmuch as this order constitutes

To repeat what the Board noted in its August 8, 2008 order, the notice of opposition filed by opposer herein consists of 22 numbered paragraphs setting forth the basis of opposer's claims. 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.<sup>2</sup> 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.<sup>3</sup>

In its discretion, the Board allows applicant twenty (20) days from the mailing date of this order in which to file with the Board and serve upon opposer an answer which complies with Fed. R. Civ. P. 8, and Trademark Board Manual of Procedure, TBMP § 311 (2d ed. rev. 2004), as explained herein and as previously explained in the Board's August 8,

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the third instance in which the Board has notified applicant of its requirement for strict adherence to Trademark Rule 2.119, the Board will decline consideration of any future paper filed by applicant, whether consented to or not, which does not indicate compliance with this Rule.

<sup>2</sup> Applicant will note, for example, that its submission on September 5, 2008 of an inappropriate general denial of each paragraph has the effect of denying applicant's ownership of the opposed application, Application Serial No. 77220272.

<sup>3</sup> As reference, applicant may view the following examples of terminated Board proceedings, via the Board's TTABVue website, to ascertain the proper format for an answer under Fed. R. Civ. P. 8(b): Opposition Nos. 91165363 and 91172348 (See entries designated as "answer").

2008 order, failing which the Board will issue a notice of default.

Applicant is allowed the same twenty (20) days in which to inform the Board whether it wishes to continue pro se in this case or be represented by counsel. If applicant retains counsel, such counsel must file with the Board and serve upon opposer a notice of appearance.

The trial schedule for this proceeding is reset as follows:

Time to Answer	10/9/2008
Deadline for Discovery Conference	11/8/2008
Discovery Opens	11/8/2008
Initial Disclosures Due	12/8/2008
Expert Disclosures Due	4/7/2009
Discovery Closes	5/7/2009
Plaintiff's Pretrial Disclosures	6/21/2009
Plaintiff's 30-day Trial Period Ends	8/5/2009
Defendant's Pretrial Disclosures	8/20/2009
Defendant's 30-day Trial Period Ends	10/4/2009
Plaintiff's Rebuttal Disclosures	10/19/2009
Plaintiff's 15-day Rebuttal Period Ends	11/18/2009

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

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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.