

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

am

Mailed: October 30, 2009

Opposition No. 91188256

The Susan G. Komen Breast  
Cancer Foundation, Inc.

v.

Covault, Andrew J

**Frances S. Wolfson, Interlocutory Attorney:**

On September 2, 2009 the Board allowed applicant time to advise the Board as to why applicant filed its answer late. On September 25, 2009 applicant filed a response to the Board indicating that the parties had been involved in settlement negotiations "up until the filing of its answer." In view thereof, applicant's answer is entered into the proceeding.

Trial dates are reset as follows:

Deadline for Discovery Conference	11/20/09
Discovery Opens	11/20/09
Initial Disclosures Due	12/20/09
Expert Disclosures Due	4/19/10
Discovery Closes	5/19/10
Plaintiff's Pretrial Disclosures	7/3/10
Plaintiff's 30-day Trial Period Ends	8/17/10
Defendant's Pretrial	9/1/10

Opposition No. 91188256

Disclosures	
Defendant's 30-day Trial Period	
Ends	10/16/10
Plaintiff's Rebuttal	
Disclosures	10/31/10
Plaintiff's 15-day Rebuttal	
Period Ends	11/30/10

Applicant is advised that while Patent and Trademark Rule 11.14 permits any person to represent itself, it is advisable 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.

As noted earlier in this order, 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.

Applicant is further reminded that submissions to the Board must be double-spaced. Trademark Rule 2.126.

**Opposition No. 91188256**

It is recommended that applicant obtain a copy of (i) the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice, and (ii) the Trademark Trial and Appeal Board Manual of Procedure<sup>1</sup>, both of which are available for fees from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800).

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

---

<sup>1</sup> The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is available in printed form from the Superintendent of Documents, in CD-ROM form from the PTO Office of Electronic Products, and on the World Wide Web at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>.