

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

mc

Mailed: September 4, 2009

Opposition No. 91191199

Apex, LLC

v.

Appex Networks LLC

**Robert H. Coggins,
Interlocutory Attorney:**

The answer (filed August 31, 2009) by applicant is noted. The Board further notes that applicant failed to include proof of service of a copy of the answer on opposer, as required by Trademark Rule 2.119(a). To expedite this matter, opposer is directed to the following URL where it may view a copy of the answer:

<http://ttabvueint.uspto.gov/ttabvue/v?pno=91191199&pty=OPP&eno=4>

Dates Remain as Set

Conferencing, disclosure, discovery and testimony periods remain as previously set.

Pro Se Information for Applicant

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 should note that although Patent and Trademark Rule 11.14(e) permits a corporation to represent itself in a Board proceeding, it is generally advisable for those unfamiliar with the applicable rules to secure the services of an attorney familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

If applicant chooses to represent itself, applicant 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 opposition proceeding.

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. The Board's manual of procedure will also 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.

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.