

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

vw

Mailed: November 9, 2010

Opposition No. 91193306

Belmont Brands Limited

v.

Groupe Boyz Inc.  
(substituted for Les Boxers  
Boyz Inc. as party defendant)

Jennifer Krisp, Interlocutory Attorney:

On November 3, 2010, Les Boxers Boyz Inc. filed with the Board a revocation of attorney, and notification of its change of name to Groupe Boyz Inc.

**Revocation of Attorney**

It is acknowledged that applicant wishes to represent itself. In view thereof, the Board's records have been updated to reflect Groupe Boyz Inc. as party defendant, and to reflect the current correspondence information and address for applicant.

**Change of Name**

The change of name of applicant in involved Serial No. 78268123, to Groupe Boyz Inc., was recorded with the Assignment Services Division of the USPTO at Reel 4139/Frame 0047 on January 28, 2010. Accordingly, Groupe Boyz Inc. is

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substituted as party defendant in this proceeding. See TBMP Section 512.01 (2d ed. rev. 2004).

Trial dates remain as set in the Board's November 3, 2010 order.

Applicant's November 3, 2010 communication is not accompanied by a certificate of service, as required by Trademark Rule 2.119(a). The Board may decline to consider any future paper filed by applicant in this proceeding which does not bear a Certificate of Service. To expedite matters, and as a one-time courtesy to applicant at this time, a copy of its November 3, 2010 paper is included with opposer's copy of 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 show proof of service. This written statement should take the form of a "certificate of service" and should read as follows:

The undersigned hereby certifies that a true and correct copy of the foregoing [insert title of document] was served upon opposer by forwarding said copy, via first class mail, postage prepaid to: [insert name and address].

The certificate of service must be signed and dated.

Each party is reminded of its obligation to send a service copy of any paper filed herein to the adverse party, and to include proof of service when the paper is filed with the Board.

#### **NATURE OF BOARD PROCEEDINGS**

Applicant is advised that an *inter partes* proceeding before the Board is similar to a civil action in a Federal district court. There are pleadings, a wide range of possible motions; discovery (a party's use of discovery depositions, interrogatories, requests for production of documents and things, and requests for admission to ascertain the facts underlying its adversary's case), a trial, and briefs, followed by a decision on the case. The Board does not preside at the taking of testimony. Rather, all testimony is taken out of the presence of the Board during the assigned testimony, or trial, periods, and the written transcripts thereof, together with any exhibits thereto, are then filed with the Board. No paper, document, or exhibit will be considered as evidence in the case unless it has been introduced in evidence in accordance with the applicable rules.

#### **THE BOARD'S STANDARD PROTECTIVE ORDER**

The Board's standard protective order is in place in this case governing the exchange of confidential and proprietary

information and materials. The parties may substitute a stipulated protective agreement (signed by both parties).

#### **REPRESENTATION**

The Board notes applicant is representing itself. Applicant may do so. However, it should also be noted that while Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally 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. The Patent and Trademark Office cannot aid in the selection of an attorney. In addition, as the impartial decision maker, the Board may not provide legal advice, though may provide information as to procedure.

#### **ELECTRONIC RESOURCES**

All parties may refer to the Trademark Trial and Appeal Board Manual of Procedure (TBMP) and the Trademark Rules of Practice, both available on the USPTO website, [www.uspto.gov](http://www.uspto.gov). The TTAB homepage provides electronic access to the Board's standardized protective order, a chart of the new rules and the text of the new rules (effective August 31, 2007 and November 1, 2007), and answers to frequently asked questions. Other useful

databases include the ESTTA filing system<sup>1</sup> for Board filings and TTABVUE for status and prosecution history.

The Board's records are public records. Thus, applicant may use the TTABVUE database to view other cases to get an idea of the course of Board proceedings.

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.

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<sup>1</sup> Use of electronic filing with ESTTA, available through the USPTO website, is strongly encouraged. This electronic file system operates in real time. The filing party is also provided with a confirmation number that the filing has been received.

A party may also use first class mail. Correspondence required to be filed in the Office within a set period of time will be considered as being timely filed on the date of deposit in the mail if accompanied by a certificate of mailing.

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

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

The certificate of mailing must be signed and dated. The actual date of receipt by the Office will be used for all other purposes, including electronically filed documents.

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