

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

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Mailed: December 7, 2010

Opposition No. 91195974

Kosher First LLC d/b/a Tuv  
Taam

v.

Tuv Taam Inc.

Before Kuhlke, Wellington and Wolfson,  
Administrative Trademark Judges.

By the Board:

This proceeding is before the Board for consideration of applicant's motion (filed September 7, 2010) which is captioned "motion to diissmiss (sic) or strike." The motion is fully briefed.<sup>1</sup>

Applicant's motion, challenging the commencement of this proceeding on the basis that Hartman and Craven LLP, and/or the signatory, Marsha G. Ajhar of Hartman and Craven LLP, were not authorized to file the notice of opposition in a representational capacity on behalf of opposer, is denied as meritless. Any attorney, as that term is defined in 37 CFR § 10.1(c) (i.e., "an individual who is a member in good

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<sup>1</sup> Applicant's motion fails to comply with Trademark Rules 2.126(a)(1) and 2.126(b), and fails to comply with Trademark Rule 2.119(a) inasmuch as the "notice of service" is incomplete. While the Board has exercised its discretion to consider applicant's paper filed on September 7, 2010, the Board may decline to consider any future paper filed by applicant in this proceeding that fails to comply with the applicable rules of procedure.

standing of the bar of any United States court or the highest court of any State"), is eligible to represent others before the Office in trademark cases, including proceedings before the Board. An attorney, as defined in 37 CFR § 10.1(c), will be accepted as a representative of a party in a proceeding before the Board if the attorney signs a document that is filed with the Office on behalf of the party, and satisfactorily identifies himself or herself as an attorney. See TBMP § 114.03 (2d ed. rev. 2004). See also Trademark Rule 2.119(e); TBMP § 106.02 (2d ed. rev. 2004).

The law firm of Hartman and Craven LLP electronically submitted the notice of opposition, with Ms. Marsha G. Ajhar's electronic signature. Neither the Federal Rules of Civil Procedure, the U.S. Patent and Trademark Office Rules, or Board practice require further proof of authority of either Hartman and Craven LLP, or of Ms. Ajhar, to represent opposer in this proceeding.

Applicant shall note that in proceedings before the Board, Fed. R. Civ. P. 11 and U.S. Patent and Trademark Office Rule 11.18 apply, and require that all pleadings and papers be made in good faith and with evidentiary support. Specifically, all grounds for relief and allegations in support thereof must have a basis in law or fact, and must not be filed for any improper purpose.<sup>2</sup>

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<sup>2</sup> Inasmuch as applicant, in its answer filed September 2, 2010, does not admit or concede the grounds for opposition, the Board construes the answer as a general denial of the salient

Schedule

Proceedings are hereby resumed. Conferencing, disclosure, and trial dates are reset as follows:

Deadline for Discovery Conference	1/14/2011
Discovery Opens	1/14/2011
Initial Disclosures Due	2/13/2011
Expert Disclosures Due	6/13/2011
Discovery Closes	7/13/2011
Plaintiff's Pretrial Disclosures	8/27/2011
Plaintiff's 30-day Trial Period Ends	10/11/2011
Defendant's Pretrial Disclosures	10/26/2011
Defendant's 30-day Trial Period Ends	12/10/2011
Plaintiff's Rebuttal Disclosures	12/25/2011
Plaintiff's 15-day Rebuttal Period Ends	1/24/2012

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 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.

Pro se party

It is noted that applicant presently represents itself in this proceeding. While Patent and Trademark Rule 10.14

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allegations set forth in the notice of opposition. See TBMP § 311.02(a) (2d ed. rev. 2004). Applicant should note that the answer, as with applicant's motion discussed herein, does not

permits any person to represent itself, it is strongly advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board 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 noted above, Trademark Rule 2.119(a) and (b) require that every paper or motion 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 clearly evident on the filed paper before the paper will be considered by the Board. The Board may decline consideration of any paper or motion which does not indicate proper proof of service thereof.

It is highly recommended that applicant be fully apprised of the Trademark Rules of Practice, and The Trademark Trial and Appeal Board Manual of Procedure (TBMP). Trademark Rules 2.126 and 2.127 govern the form of motions and papers filed with the Board. 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's August 9, 2010

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include a complete Certificate of Service, as required by Trademark Rule 2.119(a). See TBMP § 113.02 (2d ed. rev. 2004).

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institution order also includes important information with which applicant should be familiar.