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

Mailed: November 28, 2011

Opposition No. 91201856

Prodeen, Inc. Formerly DBA
Proven Products

v.

Card Tech International, LLLP
Formerly Card Tech, LLLP

Jennifer Krisp, Interlocutory Attorney:

This opposition proceeding was suspended pending disposition of applicant's motion to dismiss filed on October 26, 2011.

On November 9, 2011, opposer filed a communication which includes neither a cover sheet nor a brief in compliance with Trademark Rules 2.126 and 2.127. Moreover, the communication does not include a Certificate of Service or other proof of service indicating that a copy of what opposer filed herein was served on counsel for applicant, as required by Trademark Rule 2.119(a) and (b).

To avoid further delay, a copy of opposer's November 9, 2011 filing is forwarded herewith to counsel for applicant.

Applicant is allowed until <u>fifteen (15) days from the mailing date of this order</u> in which to file a reply brief, if any, on its motion to dismiss.

Proceedings otherwise remain suspended pursuant to Trademark Rule 2.127(d).

Opposer is directed to thoroughly review all of the information below:

While Patent and Trademark Rule 11.14 permits any person to represent itself, it is **strongly recommended** that a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board 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.

All parties, including pro se parties, are bound by Fed. R. Civ. P. 11 and Patent and Trademark Rule 11.18. *See* TBMP § 106.02 (3d ed. rev. 2011). While the Board has provided guidance herein to opposer, the Board is unlikely to provide commensurate guidance with respect to opposer's future filings, and requires compliance with all applicable procedural and substantive authorities, as appropriate.

Every motion, paper or communication filed with the Board **must include proof of service of a copy on opposing counsel or party, in compliance with Trademark Rule 2.119(a) and (b).** The Board may decline to consider any motion, paper or communication filed herein which does not include proof of service, such as a Certificate of Service. The

Board's Manual of Procedure (TBMP) sets forth the following suggested format for a Certificate of Service:

I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party).

See TBMP § 113.03 (3d ed. 2011).

It is recommended that opposer be familiar with the Trademark Rules of Procedure (Chapter 37 of the Code of Federal Regulations), the Federal Rules of Civil Procedure that apply to Board proceedings (*see* Trademark Rule 2.116(a)), and the Board's Manual of Procedure ("TBMP") which is available at the Board's web page at www.uspto.gov. Strict compliance with these authorities, as applicable, is required of all parties throughout all stages of an inter partes proceeding, whether or not they are represented by counsel. *See McDermott v. San Francisco Women's Motorcycle Contingent,* 81 USPQ2d 1212, n.2 (TTAB 2006).

The Board's initial order, of September 29, 2011, instituting this proceeding also includes information with which opposer must be familiar.