

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

AM

Mailed: November 17, 2011

Opposition No. 91201860

Soft Serve, Inc. dba
Sprinkles

v.

Sprinkles Inc.

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

Applicant's consented motion (filed November 4 and 7, 2011) to suspend proceedings pending final determination of another Board proceeding is granted.¹ Accordingly, proceedings are suspended pending final disposition of Opposition No. 91199397. Trademark Rule 2.117(a).

Within twenty days after the final determination of Opposition No. 91199397, the parties must so notify the Board so that this case may be called up any appropriate

¹ The filings fail to indicate proof of service on opposer as required by Trademark Rule 2.119. In order to expedite this matter, opposer is directed to the following URLs where it may view a copy of the filings:

<http://ttabvueint.uspto.gov/ttabvue/v?pno=91201860&pty=OPP&eno=4>
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91201860&pty=OPP&eno=5>

Strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.

action (including, if appropriate, resetting applicant's time in which to file an answer). During the suspension period, the parties must notify the Board of any address changes for the parties or their attorneys.

It is noted that applicant is representing itself. Applicant may do so; however, while Patent and Trademark Rule 11.14 permits a corporation 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 a Board 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. If applicant does not retain counsel, then applicant will have to familiarize itself with the rules governing this proceeding. Strict compliance with the Trademark Rules of Practice and all other applicable rules is expected of all parties, even those representing themselves.

Applicant is directed to the Board's home page (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) where applicant may find links to many useful resources including the Trademark Trial and Appeal Board Manual of Procedure (TBMP) and the Trademark Rules of Practice.

As noted earlier (in footnote 1), the service requirements are set forth in Trademark Rule 2.119. 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 Board will accept, as *prima facie* proof that a party filing a paper in a Board *inter partes* proceeding has served a copy of the paper upon every other party to the proceeding, a statement signed by the filing party, or by its attorney or other authorized representative, clearly stating the date and manner in which service was made. This written statement should take the form of a "certificate of Service" which should read as follows:

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

The certificate of service must be signed and dated. See TBMP §113 (3d ed. 2011).