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

Mailed: April 4, 2013

Opposition No. 91203541

Andre D. Rossouw

v.

Google Inc.

Robert H. Coggins,
Interlocutory Attorney:

On March 27, 2013, opposer filed a motion to test the sufficiency of applicant's responses to opposer's requests for admission.[1]

Electronic Service

The Board notes that opposer's certificate of service indicates service by electronic transmission. Inasmuch as electronic service is available only when mutually agreed upon by the parties (*see* Trademark Rule 2.119(b)(6)), the Board prefers that parties reference their agreement in the certificate -for example, by including language such as "by mutual agreement." The Board presumes that applicant has agreed to electronic service inasmuch as opposer was specifically

[1] Although opposer's motion refers to interrogatories, the exhibit attached to the motion contains requests for admission (which are mistakenly labeled as interrogatories). *See*, e.g., TBMP §§ 405 (Interrogatories) and 407 (Requests for Admission) (3d ed. rev. 2012).

advised of the required agreement for electronic service in the last (i.e., January 17, 2013) Board order.

The parties are reminded that the additional time allowed under Trademark Rule 2.119(c) is not applicable to agreed use of electronic service. *See McDonald's Corp. v. Cambrige Overseas Development Inc.*, _____ USPQ2D _____ (TTAB 2013); and TBMP § 113.05.

Motion Denied

Opposer's motion to test the sufficiency is denied without prejudice and will be given no further consideration. Opposer did not provide any facts or evidentiary support relating to his good faith effort; therefore, the Board is unable to determine whether opposer's efforts rise to the level required by Trademark Rule 2.120(h)(1). *See* TBMP § 524.02. Moreover, opposer fails to identify by number which requests for admission are at issue in the motion. The Board will not parse the motion and exhibit thereto to determine which, if any, requests raise the issues opposer lists in the motion. The motion also fails to comply with Trademark Rule 2.126(b) which requires all motion text be at least 11-point.

Schedule

Dates remain as set.