

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

mc

Mailed: June 25, 2012

Opposition No. 91204592

United States Olympic
Committee

v.

Marc A Takacs

Jennifer Krisp, Interlocutory Attorney:

Applicant's answer was due May 14, 2012. On that date, applicant filed a communication.¹ To the extent that this communication is intended as an answer to the notice of opposition, a reading of this "answer" reveals that it does not comply with Fed. R. Civ. P. 8(b), which is applicable to this proceeding by Trademark Rule 2.116(a).

Fed. R. Civ. P. 8(b) provides, in part:

(b) Defenses; Admissions and Denials.

(1) *In General*. In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it; and

¹ Applicant's communication does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. Strict compliance with Trademark Rule 2.119 is required in all further papers which applicant may file with the Board. The Board may decline to consider any motion or paper filed by applicant in this proceeding which does not include the required proof of service.

(B) admit or deny the allegations asserted against it by an opposing party.

...

(5) *Lacking Knowledge or Information*. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

The notice of opposition filed by opposer herein consists of 31 paragraphs setting forth the basis of opposer's claim of damage. In accordance with Fed. R. Civ. P. 8(b) it is incumbent on applicant to answer the notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial.

Applicant is allowed until July 27, 2012 in which to file herein, and serve on opposer's counsel, an answer which complies with Fed. R. Civ. P. 8.

In view thereof opposer's motion for default filed May 21, 2012 is hereby denied. All dates are reset as follows:

Time to Answer	7/27/2012
Deadline for REQUIRED Discovery Conference	8/26/2012
Discovery Opens	8/26/2012
Initial Disclosures Due	9/25/2012
Expert Disclosures Due	1/23/2013
Discovery Closes	2/22/2013
Plaintiff's Pretrial Disclosures due	4/8/2013
Plaintiff's 30-day Trial Period Ends	5/23/2013
Defendant's Pretrial	6/7/2013

Disclosures due Defendant's 30-day Trial Period Ends	7/22/2013
Plaintiff's Rebuttal Disclosures due	8/6/2013
Plaintiff's 15-day Rebuttal Period Ends	9/5/2013

Information for pro se applicant

As noted earlier in 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. Copies of all papers filed with the Board, including the answer to the notice of opposition, must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

The Board's Manual of Procedure (TBMP), TBMP § 113.03 (3d ed. rev. 2012), 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).

While Patent and Trademark Rule 10.14 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 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.

It is recommended that applicant obtain a copy of the latest edition of Title 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice and is available for a fee from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.²

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.

² The Trademark Rules and the Trademark Trial and Appeal Board Manual of Procedure (TBMP) are available on the USPTO's web site at www.uspto.gov.