

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: February 5, 2015

Opposition No. 91206495

SignalShare, LLC

v.

Amy Gurvey

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

Now before the Board are applicant's motion (filed February 24, 2014) for a sixty-day extension of time to retain new trademark counsel, and opposer's motion (filed June 3, 2014) to resume proceedings.

Proof of Service

Although applicant's motion fails to indicate proof of service of a copy of same upon opposer as required by Trademark Rule 2.119, it does include a cc:-line with opposer's correspondence address, and it is clear from opposer's own motion that opposer is aware of applicant's filing. Applicant is advised that a cc:-line is insufficient to establish proof of service.

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<sup>1</sup> which applicant may subsequently file<sup>2</sup> in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. Strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

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 [insert manner of service (e.g., first class mail)], to: [insert name and address].

The certificate of service must be signed and dated. *See* TBMP § 113.<sup>3</sup>

### Motion to Extend

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<sup>1</sup> The form of submissions is governed by Trademark Rule 2.126. *See* TBMP § 106.03. It is noted that applicant’s motion does not comply with the formatting requirements. Compliance with Trademark Rule 2.126 is required of applicant in all further papers filed with the Board.

<sup>2</sup> Use of electronic filing with ESTTA is strongly encouraged. This electronic file system operates in real time. *See* TBMP § 110.09.

<sup>3</sup> Applicant may refer to the Trademark Trial and Appeal Board Manual of Procedure (TBMP) and the Trademark Rules of Practice, both available on the Board’s homepage at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>. The Board’s homepage provides electronic access to these and other materials including the Board’s standard protective order, answers to frequently asked

Applicant's motion to extend is granted as conceded. Trademark Rule 2.127(a). However, as with applicant's previous motion for an extension of time, applicant has failed to appoint counsel during the extension period requested (which by the current motion was April 25, 2014). Indeed, it has been almost one year since applicant's latest motion, but no counsel has appeared for applicant, applicant has not informed the Board of her retaining of new counsel, and applicant has not stated that she will represent herself.<sup>4</sup> In fact, applicant has made no further appearance in any manner in this proceeding although the Board has been most generous in allowing time to accommodate applicant's search for new counsel.

Civil Action Information

Inasmuch as applicant referenced a civil action between the parties in her February 24th motion to extend, applicant is ordered to inform the Board of the title, nature, and status of the civil action, and to provide the Board with a copy of the operative complaint (without exhibits), operative answer (without exhibits), and any final decision from that proceeding so the Board may determine whether the civil action may have a bearing on the Board opposition proceeding. *See* TBMP § 510.02(a). Applicant is allowed until **thirty days** from the mailing date of this order in which to file and serve the information and

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questions, the ESTTA filing system (<http://estta.uspto.gov>) for Board filings, and TTABVUE (<http://ttabvue.uspto.gov/ttabvue>) for case status and prosecution history.

<sup>4</sup> It is possible that applicant is an attorney herself. Public information from Martindale-Hubbell reveals that an Amy R. Gurvey was admitted to practice law in 1985. *See* <http://www.martindale.com/Amy-R-Gurvey/537421-lawyer.htm>.

pleadings. As noted above (at fn. 2), use of electronic filing with ESTTA is strongly encouraged.

Motion to Resume

In view of the order herein requiring applicant to provide information related to the civil action, opposer's motion to resume proceedings is denied without prejudice. Proceedings remain suspended pending a response from applicant.