

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

DUNN

Mailed: April 3, 2014

Opposition No. 91212105

LFP IP, LLC

v.

Semetra Brazle

**Elizabeth A. Dunn, Attorney:**

Applicant's communication filed March 26, 2014 does not include proof of service, and will be given no consideration. Applicant was advised by the Board's order of October 1, 2013 of the need to comply with Trademark Rule 2.119 and to serve opposer with a copy of each paper filed with the Board, and to include proof of service in every paper filed with the Board.<sup>1</sup>

Applicant was advised in the Board's March 26, 2014 order that strict compliance with the Trademark Rules of Practice and, where applicable, the

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<sup>1</sup> Shown below is a suggested format for a certificate of service:

I hereby certify that a true and complete copy of the foregoing (insert title of submission, such as motion to dismiss) has been served on opposer by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid to:

JONATHAN W BROWN  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 DELAWARE AVENUE, SUITE 120  
BUFFALO, NY 14202

(insert signature and printed name)

Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel. The Trademark Rules are available online from the USPTO website, [www.uspto.gov](http://www.uspto.gov). Explanations of the rules can be found in the Trademark Trial and Appeal Board Manual of Procedure (TBMP) (3rd ed. 2013), which also is available from the USPTO website.

Applicant's filing fails to comply with the rule for the form of submissions (Trademark Rule 2.126).

To the extent that applicant intended the communication as a "motion for judgment", such a motion is premature. Opposer is under no obligation to prove its case until trial. As noted in the last order, opposer seeks summary judgment on the basis of the admissions applicant made by failing to respond to opposer's request for admissions.

To the extent that applicant intended the communication as a motion to withdraw her admissions, applicant has provided no reason for the Board to grant the motion. If applicant intends to defend her application and seek adjudication on the merits of opposer's claims, applicant should file a motion to withdraw her admissions promptly, setting out all relevant circumstances. See TBMP 525.

Proceedings remain suspended pending the disposition of opposer's motion for summary judgment.