

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

VW

Mailed: February 27, 2015

Opposition No. 91220386

Dr. Linda S. Restrepo

v.

Alliance Riggers & Constructors, Ltd

Jennifer Krisp, Interlocutory Attorney:

Proceedings are suspended pending disposition of Applicant's motion to dismiss (filed February 2, 2015). Any paper filed during the pendency of these motions which is not relevant thereto will be given no consideration.

See Trademark Rule 2.127(d).¹

The Board notes Opposer's February 12, 2015 filing of a combined response to Applicant's motion to dismiss, and motion to strike Applicant's motion. Inasmuch as it is inappropriate to respond to a motion by filing a motion to strike it (*see* TBMP § 517 (2014)), the Board construes Opposer's February 12, 2015 filing as a brief in opposition to the motion to dismiss.

The motion to dismiss will be decided in due course.

¹ Opposer's amended notice of opposition (filed January 29, 2015) was filed as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(A). Accordingly, the amended notice of opposition is Opposer's operative pleading in this proceeding.

Information for pro se party

A party may represent itself in this *inter partes* proceeding. However, while Patent and Trademark Rule 11.14 permits any entity to represent itself, it is strongly advisable for persons who are not acquainted with the technicalities of the procedural and substantive law involved in *inter partes* proceedings before the Board 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, and as the impartial decision maker, the Board may not provide legal advice, though it may provide information as to purely procedure matters.

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. *See McDermott v. San Francisco Women's Motorcycle Contingent*, 81 USPQ2d 1212, n.2 (TTAB 2006).

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 on 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. Therefore, copies of all papers filed in this proceeding 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 statement should take the form of a certificate of service which must be signed and dated, and should read as follows (*see* TBMP § 113.03):

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).

Various manners of service are provided for in Trademark Rule 2.119. The parties may enter into a written agreement to use electronic transmission (e.g., facsimile or e-mail) to communicate with each other, and to meet their service obligations. When such an agreement is made, the best practice is to reduce the agreement to writing.

An *inter partes* proceeding before the Board is similar to a civil action in a Federal district court. The parties file pleadings and may file a wide range of possible motions, as appropriate. The process of discovery (serving of interrogatories, requests for production of documents and things and requests for admission, as well as depositions) is followed by a testimony (trial) period, after which final briefs on the case are filed. The Board does not preside at the taking of testimony; all testimony is taken out of the presence of the Board during the parties' assigned testimony (trial) periods, and the written transcripts thereof, together with any exhibits thereto, are then filed with the Board. No paper, document, or exhibit will be considered

as evidence unless it has been introduced in evidence in accordance with the applicable rules.

The Board's order instituting this proceeding also contains a vast amount of information regarding the parties' obligations and the manner in which this proceeding shall be conducted.