

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

Baxley

Mailed: August 11, 2008

Cancellation No. 92042082

Four Seasons Dairy, Inc.

v.

International Gold Star  
Trading Corp.

**Andrew P. Baxley, Interlocutory Attorney:**

On August 11, 2008, respondent filed a two-page, single-spaced letter requesting a ruling from the Board regarding admissibility of the testimony deposition of Natalie Walewitsch, who allegedly left her testimony deposition prior to the completion of cross-examination. See Trademark Rule 2.123(e)(3).

The letter is procedurally defective because it is not in the form specified in Trademark Rule 2.126. See TBMP Section 106 (2d ed. rev. 2004). Further, it does not include acceptable proof of service upon petitioner in compliance with Trademark Rule 2.119(a). Merely indicating that a copy was sent to petitioner's counsel is insufficient proof of service. See TBMP Section 113 (2d ed. rev 2004).

Accordingly, respondent's letter will receive no consideration. Respondent, however, may refile that request

**Cancellation No. 92042082**

as a properly formatted motion with acceptable proof of service upon petitioner.

Testimony periods remain as last reset.