

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

Mailed: September 16, 2005

Cancellation No. 92043017

George Contos and Neil
Pryor

v.

Cuzcatlan Beverages, Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board

In response to the Board's order of July 26, 2005, petitioner George Contos, on August 18, 2005, indicated that he is representing himself. Petitioners' correspondence address is updated as follows:

George Contos
500 East 83rd St., Suite 6G
New York, NY 10028

Proceedings herein are resumed. Discovery is closed and the trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	CLOSED
30-day testimony period for party in position of plaintiff to close:	November 30, 2005
30-day testimony period for party in position of defendant to close:	December 29, 2005
15-day rebuttal testimony period to close:	March 15, 2006

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129. See also TBMP §800 (2d ed. rev. 2004) for information concerning briefs on Board cases.

General information

While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is 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.

In addition, petitioners should note that Trademark Rule 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 which petitioners may subsequently file 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. See TBMP §113 (2d ed. rev. 2004) for a further discussion of the service requirement and an example of a certificate of service statement.

It is recommended that petitioners familiarize themselves with Board rules and procedures. Information is available electronically on the USPTO website at www.uspto.gov by clicking on the term "Trademarks" on the left side of the screen. The menu then provided includes access to the Board manual (TBMP); Trademark Statute and Rules; answers to frequently asked questions; status; ability to view filings and orders in Board (TTAB) proceedings; and ability to undertake electronic filing in Board proceedings (ESTTA).

Inasmuch as petitioners' first testimony is the next scheduled event on the docket, petitioners are referred to TBMP §700 (2d ed. rev. 2004) for information regarding the submission of evidence in Board proceedings.

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.

