

TTAB

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

Mailed: April 19, 2006

76/588671

Cancellation No. 92045343

Erica Curtis

v.

Pacific Coast Feather  
Company

**Thomas W. Wellington,  
Interlocutory Attorney:**

Answer was due in this case on February 27, 2006.

On April 6, 2006, respondent filed a motion for leave to file a late answer, without proof of service of a copy of said motion on petitioner as required by Trademark Rule 2.119.<sup>1</sup> In the motion, respondent acknowledges that it received the Board's institution order with a copy of the petition to cancel. However, the person who actually received it did not "understand the significance of [the Board's institution order] or that a response was required." Respondent requests "acceptance of the answer," but no answer accompanies the motion.



05-01-2006

U.S. Patent & TM Ofc/TM Mail Rcpt Dt. #3:

Respondent's stated reason for not filing a timely answer are not well taken. It has been long-standing Board practice when instituting a cancellation proceeding to send the institution order, together with a copy of the petition to cancel and any exhibits thereto, directly to the respondent itself (or domestic representative if one is appointed), and not respondent's counsel. Trademark Rule 2.113(c). Registrants are responsible for maintaining a current address with the Office and ensuring that correspondence is received and handled in a competent manner.

Nonetheless, based on respondent's motion, it is apparent that it intends to defend its registration in this proceeding. In view thereof, **respondent is allowed until twenty (20) days from the mailing date of this order to file an answer to the petition to cancel.**

Proof of Service is Required

Respondent is instructed that, pursuant to Trademark Rule 2.119(a) and (b), 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. Any papers subsequently filed by respondent without

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<sup>1</sup> In order to expedite matters, the Board is attaching a copy

the required proof of service will not be considered by the Board.

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of the motion to petitioner's copy of this order.