

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

Baxley

Mailed: April 1, 2008

Cancellation No. 92048775

Emoda.Com Corporation

v.

EMOD

Andrew P. Baxley, Interlocutory Attorney:

The brief that respondent filed on March 26, 2008 in response to petitioner's motion for default judgment does not include proof of service upon petitioner, as required by Trademark Rule 2.119(a).¹ The Board, however, will consider

¹ It is noted that respondent intends to represent itself in this proceeding. 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, 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 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 respondent 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.

Any further submissions by respondent that do not include acceptable proof of service upon petitioner will receive no consideration.

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such brief. Petitioner is allowed until twenty days from the mailing date set forth in the caption of this order to file a reply brief in support of the motion for default judgment.²

Proceedings herein otherwise remain suspended.

² If petitioner did not receive a copy of such brief, it can obtain one online at <http://ttabvueint.uspto.gov/ttabvue/>.