

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

Mailed: October 22, 2008

Cancellation No. 92049887

Certification Trendz, Ltd.

v.

eTechsol.com

**Robert H. Coggins,
Interlocutory Attorney:**

On October 13, 2008, respondent filed a "rejoinder" to the petition to cancel. A review of respondent's filing reveals that it (1) is an informal answer which contains prohibited personal information, and (2) seeks a two-week extension of time "to submit evidences" [sic.] discussed in the answer.

Informal Answer

Respondent called its filing an "answer" on the ESTTA submission form; however, a reading of the informal "answer" reveals that it is argumentative and more in the nature of a brief on the case than a responsive pleading to the petition to cancel. To the extent respondent intended the October 13, 2008 filing as an answer to the petition to cancel, the Board notes that the filing fails to provide full and direct admissions and/or denials of any of the allegations in the petition to

cancel as required by Fed. R. Civ. P. 8(b).¹ Federal R. Civ. P. 8(b) provides, in part:

In responding to a pleading, a party must state in short and plain terms its defenses to each claim asserted against it, and admit or deny the allegations asserted against it by an opposing party. A denial must fairly respond to the substance of the allegation. A party that intends in good faith to deny all the allegations of a pleading – including the jurisdictional grounds – may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted. A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial. An allegation... is admitted if a responsive pleading is required and the allegation is not denied.

The petition to cancel filed by petitioner Certification Trendz, Ltd. herein consists of thirty-one numbered paragraphs setting forth the basis of petitioner's claim of damage. In accordance with Fed. R. Civ. P. 8(b) it is incumbent on respondent to answer the petition to cancel by admitting or denying the allegations contained in each numbered paragraph. If respondent is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial. See TBMP Section 311 *et seq.* (2d ed. rev. 2004).

¹ Fed. R. Civ. P. 8(b) is made applicable to this proceeding by Trademark Rule 2.116(a).

The informal answer contains prohibited personal information. Exhibit 14 to the informal answer is a photocopy of part of the passport for Mr. Shahzad Shahnawaz, who is alleged (in paragraph 5 of the petition to cancel) to be petitioner's predecessor-in-interest. The passport information includes Mr. Shahnawaz's date of birth. Such information is prohibited under Fed. R. Civ. P. 5.2(a)(2) ("Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's ... birth date ... a party or nonparty making the filing may include only ... the year of the individual's birth"). Moreover, Mr. Shahnawaz's Pakistani passport number and "Citizenship Number" may also be prohibited as these may be analogous to a social-security number. See Fed. R. Civ. P. 5.2(a)(1). In view thereof, the informal answer will be held confidential by the Board and will not be available for public viewing. Moreover, the informal answer will be given no further consideration by the Board.

Respondent is allowed until **November 28, 2008** to file a proper answer to the petition to cancel in accordance with Fed. R. Civ. P. 8(b), failing which the Board may issue notice of default against respondent.

Motion to Extend

In view of time respondent is permitted herein to provide an appropriate answer, respondent's motion for an extension of time is moot.

The Board notes that respondent sought the extension of time to provide additional "evidence" to support its October

13, 2008 answer. However, respondent is reminded that, except for registrations, an exhibit attached to a pleading is not evidence on behalf of the party to whose pleading the exhibit is attached unless identified and introduced in evidence as an exhibit during the period for the taking of testimony. See Trademark Rule 2.122(c).

Pro Se Information

Respondent's filing indicates that respondent intends to represent itself in this cancellation proceeding. Respondent will be expected to comply with all applicable rules and Board practices during the remainder of this case. It should be noted that while Patent and Trademark Rule 10.14 permits a respondent 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 an opposition proceeding 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.

If respondent does not retain counsel, then respondent will have to familiarize itself with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure are likely to be found at most law libraries and may be available at some public libraries. The Board's manual of procedure will also be helpful.

On the World Wide Web, respondent may access most of these materials by logging onto <http://www.uspto.gov> and making the connection to trademark materials.

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.

Summary

Respondent's October 13, 2008 filing will be given no further consideration. Respondent is permitted until November 28, 2008 to file an answer in accordance with Fed. R. Civ. P. 8(b).

In view of time allowed herein for respondent to file an answer, dates are reset as follows:

Time to Answer	11/28/2008
Deadline for Discovery Conference	12/28/2008
Discovery Opens	12/28/2008
Initial Disclosures Due	1/27/2009
Expert Disclosures Due	5/27/2009
Discovery Closes	6/26/2009
Plaintiff's Pretrial Disclosures	8/10/2009
Plaintiff's 30-day Trial Period Ends	9/24/2009
Defendant's Pretrial Disclosures	10/9/2009
Defendant's 30-day Trial Period Ends	11/23/2009
Plaintiff's Rebuttal Disclosures	12/8/2009
Plaintiff's 15-day Rebuttal Period Ends	1/7/2010

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

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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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.