

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

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Mailed: March 3, 2012

Cancellation No. 92054318

FABI S.P.A.

v.

de la barracuda

Jennifer Krisp, Interlocutory Attorney:

The Board notes respondent's communication filed February 6, 2012, as well as respondent's attorneys request to withdraw as respondent's counsel of record in this case, filed February 20, 2012.¹ The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and

¹ Respondent failed to include proof of service with its February 6, 2012 communication. Every motion, paper or communication filed with the Board must include proof of service of a copy on opposing counsel or party, in compliance with Trademark Rule 2.119(a) and (b). The Board may decline to consider any motion, paper or communication filed herein which does not include proof of service, such as a Certificate of Service. The Board's Manual of Procedure (TBMP) sets forth the following suggested format for a Certificate of Service:

I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party). See TBMP § 113.03 (3d ed. 2011).

While respondent's communication references "Gavin A. Bryce, Co-owner of de la barracuda," it is noted that respondent is a corporate entity. Thus, in respondent's response to this order, as directed herein, respondent must state the corporate title of

Patent and Trademark Rule 10.40, and is accordingly granted.
Mr. Daniel S. Kim no longer represents respondent in this proceeding

In view of the withdrawal of respondent's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and respondent is allowed until thirty days from the mailing date of this order to file (and serve on petitioner) a paper indicating either appointment of new counsel, or stating that respondent chooses to represent itself. If respondent files no response, the Board may issue an order to show cause why default judgment should not be entered against respondent based on respondent's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time. A copy of this order has been sent to all persons listed below.²

cc:

Charles C.H. Wu
Wu & Cheung LLP
98 Discovery
Irvine, CA 92618

De La Barracuda
7600 Melrose Ave #B
Los Angeles, CA 90046

Gavin A. Bryce, and his authority to sign on behalf of respondent corporation.

² The Board's records do not include an address for Daniel S. Kim.