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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057413
Party	Plaintiff William Jones
Correspondence Address	MICHAEL L SLOAN LAW OFFICE OF MICHAEL L SLOAN 701 N BRAND BLVD , SUITE 840 GLENDALE, CA 91203 UNITED STATES sloanlegalconsulting@earthlink.net
Submission	Other Motions/Papers
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Date	10/02/2013
Attachments	Jones Response to Letter re Service 100213.pdf(656206 bytes)

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October 2, 2013

Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313

Re: **William Jones v. Ellie Nahum - Response to Respondent's Letter re Service**
Cancellation No.: 92057413
Registration No.: 4278610

To Whom It May Concern:

In response to the August 30, 2013 Letter from respondent Ellie Nahum's counsel, Shahin Karimian, regarding service of the Petition for Cancellation in the above-referenced proceeding, petitioner denies any wrongdoing as the Petition was served in accordance with the provisions of the Trademark Board Manual of Procedure (TBMP). This included notifying the TTAB on July 23, 2013, when the copy of the Petition served at respondent's registration address was returned as undeliverable in accordance with TMBP § 309.02(c)(2)(b) (37 C.F.R § 2.111.)

Perhaps respondent's counsel is not familiar with the provisions of TMBP § 309.02(c)(2) governing service of petitions for cancellation. This section only requires service at the correspondence address of record in the Trademark Office. (TMBP § 309.02(c)(2)(a), (b).) This address was at the time of service, and continues to be, the address at which service was attempted by petitioner.

Further, TMBP § 309.02(c)(2)(b) provides that the petitioner need not, and should not, serve any attorney who may have represented the respondent before the Office in the prosecution of the application that resulted in issuance of the registration.

Moreover, if petitioner serves only said attorney, it has not affected proper service of the petition to cancel. Therefore, even if petitioner was aware of respondent's counsel's former representation, he was only required to serve respondent at the correspondence address on file with the USPTO.

Accordingly, petitioner opposes any extension granted of time to respond based upon any alleged improper conduct by petitioner as these claims are unfounded.

If respondent was so concerned about being able to respond to a potential cancellation petition, then he should have updated his correspondence address with the Trademark Office before the issue arose.

Thank you for your consideration of this response.

Very truly yours,
LAW OFFICE OF MICHAEL L. SLOAN

By: _____
Michael L. Sloan
Attorney at Law

cc: Shahim Karimiam, Esq.
Christen English, Esq.