

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

Mailed: March 5, 2014

Cancellation No. 92057838

Albert Patterson

v.

World Wrestling Entertainment,
Inc.

Andrew P. Baxley, Interlocutory Attorney:

In a December 4, 2013 order, the Board granted as conceded respondent's motion to dismiss for failure to state a claim and for entry of summary judgment on the ground of *res judicata*. See Trademark Rule 2.127(a).

On December 18, 2013, petitioner filed a submission which the Board construes as a motion to vacate entry of judgment under Fed. R. Civ. P. 60(b). No response to that motion is of record.

Although the motion includes the addresses of respondent and a partial address of respondent's attorney, the motion does not include acceptable proof of service upon respondent. See Trademark Rule 2.119(a). In particular, the motion does not state the date and manner of service and

the address to which service was made.¹ "Proof of such service must be made before the [motion] will be considered by the [Board]." *Id.* Petitioner is allowed until fifteen days from the mailing date set forth in this order to file with the Board proof of service of his motion, failing which that motion will receive no consideration.

Further briefing of that motion is due in accordance with Trademark Rules 2.119(c) and 2.127(a).

¹ Respondent's attorney's address (Christopher M. Verdini, K&L Gates LLP, K&L Gates Center, 210 Sixth Avenue, Pittsburgh, PA 15222) is respondent's correspondence address of record. The address for respondent's attorney that is set forth in the motion is incomplete. Accordingly, service to that incomplete address is insufficient. Moreover, service directly upon respondent is insufficient because it is not respondent's correspondence address of record.