

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

Mailed: January 21, 2014

Cancellation No. 92058001

Aktsionerno Droujestvo  
"Bulgartabac-Holding"

v.

Kolio Kolev

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

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to respondent but were returned by the Postal Service as undeliverable. The Board contacted respondent Kolio Kolev on January 21, 2014, and was advised that service upon respondent could be effected at:

KOLIO KOLEV  
1415 ELLINWOOD AVE  
DES PLAINES IL 60016-4524

In view thereof, the notice, with enclosure, is remailed as indicated above.

Answer Due

Respondent is allowed until **February 28, 2014** in which to file an answer to the petition for cancellation.

Schedule

Dates are reset on the following schedule.

Time to Answer	2/28/2014
Deadline for Discovery Conference	3/30/2014
Discovery Opens	3/30/2014
Initial Disclosures Due	4/29/2014
Expert Disclosures Due	8/27/2014
Discovery Closes	9/26/2014
Plaintiff's Pretrial Disclosures	11/10/2014
Plaintiff's 30-day Trial Period Ends	12/25/2014
Defendant's Pretrial Disclosures	1/9/2015
Defendant's 30-day Trial Period Ends	2/23/2015
Plaintiff's Rebuttal Disclosures	3/10/2015
Plaintiff's 15-day Rebuttal Period Ends	4/9/2015

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

Pro Se Information for Respondent

While Patent and Trademark Rule 11.14 permits any person to represent himself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in a Board 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. In addition, as the impartial decision maker, the Board may not provide legal advice. If respondent does not retain counsel, then respondent will have

to familiarize himself with the rules governing this proceeding. Strict compliance with the Trademark Rules of Practice and all other applicable rules is expected of all parties, even those representing themselves.

**Electronic Resources**

Respondent may refer to the Trademark Trial and Appeal Board Manual of Procedure (TBMP) and the Trademark Rules of Practice, both available on the Board's homepage at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>. The Board's homepage provides electronic access to these and other materials including the Board's standard protective order, answers to frequently asked questions, the ESTTA filing system<sup>1</sup> (<http://estta.uspto.gov>) for Board filings, and TTABVUE (<http://ttabvue.uspto.gov/ttabvue>) for case status and prosecution history.

**Service of Papers**

The service requirements are set forth in Trademark Rule 2.119. 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

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<sup>1</sup> Use of electronic filing with ESTTA is strongly encouraged. This electronic file system operates in real time. See TBMP § 110.09 (3d ed. 2011).

of all papers<sup>2</sup> which respondent may file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. Strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

The Board will accept, as *prima facie* proof that a party filing a paper in a Board *inter partes* proceeding has served a copy of the paper upon every other party to the proceeding, a statement signed by the filing party, or by its attorney or other authorized representative, clearly stating the date and manner in which service was made. This written statement should take the form of a "Certificate of Service" which should read as follows:

The undersigned hereby certifies that a true and correct copy of the foregoing [insert title of document] was served upon [insert name of party served] by forwarding said copy, via [insert manner of service (e.g., first class mail)], to: [insert name and address].

The certificate of service must be signed and dated. See TBMP § 113 (3d ed. rev.2 2013).

#### **Nature of Board Proceedings**

Respondent is advised that an *inter partes* proceeding before the Board is similar to a civil action in a Federal district court. There are pleadings, a wide range of possible motions, discovery (a party's use of discovery depositions,

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interrogatories, requests for production of documents and things, and requests for admission to ascertain the facts underlying its adversary's case), a trial, and briefs, followed by a decision on the case. The Board does not preside at the taking of testimony. Rather, all testimony is taken out of the presence of the Board during the assigned testimony, or trial, periods, and the written transcripts thereof, together with any exhibits thereto, are then filed with the Board. No paper, document, or exhibit will be considered as evidence in the case unless it has been introduced in evidence in accordance with the applicable rules.

**Representation**

As referenced above, respondent is encouraged to obtain trademark counsel who is acquainted with the technicalities of the procedural and substantive law involved in Board proceedings.

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<sup>2</sup>The form of submissions is governed by Trademark Rule 2.126. See TBMP § 106.03 (3d ed. rev. 2013).