

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: July 14, 2016

Cancellation No. 92060164

*Servall Company*

*v.*

*Lorenzo Simmons*

**Joi M Wilson, Paralegal Specialist:**

Petitioner's motion filed June 16, 2016 to extend disclosure, discovery and trial dates for sixty days is granted as conceded. Trademark Rule 2.127(a).

Trial dates are reset as follows:

Expert Disclosures Due	8/17/2016
Discovery Closes	9/16/2016
Plaintiff's Pretrial Disclosures	10/31/2016
Plaintiff's 30-day Trial Period Ends	12/15/2016
Defendant's Pretrial Disclosures	12/30/2016
Defendant's 30-day Trial Period Ends	2/13/2017
Plaintiff's Rebuttal Disclosures	2/28/2017
Plaintiff's 15-day Rebuttal Period Ends	3/30/2017

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 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.

On, July 7, 2016 Respondent's attorneys filed a request to withdraw as Respondent's counsel of record in this proceeding. The request to withdraw as counsel is in compliance with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116, and is accordingly granted. The law firm of **The Trademark Company, PLLC** no longer represents Respondent in this proceeding.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 appoint new counsel, or to file a paper 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 proceeding.

Proceedings are otherwise suspended pending response to this order.

The parties will be notified by the Board when proceedings are resumed, and dates will be reset, as appropriate.

A copy of this order has been sent to all persons listed below.

cc: LORENZO SIMMONS  
2353 CULBRETH ROAD  
FAYETTEVILLE, NC 28312

SERVALL COMPANY  
6761 EAST 10 MILE ROAD  
CENTER LINE, MI 48015

LINDA MONGE CALLAGHAN  
RADER FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE SUITE 140  
BLOOMFIELD HILLS, MI 48304

Information regarding legal representation

Although Patent and Trademark Rule 11.14 permits an entity to represent itself, it is strongly advisable for a party who is not acquainted with the technicalities of the procedural and substantive law involved in *inter partes* proceedings before the Board to secure the services of an attorney who is familiar with such matters. The United States Patent and Trademark Office (USPTO) cannot aid in the selection of an attorney. As the impartial decision maker, the Board may not provide legal advice; it may provide information solely as to procedure.

Any party who does not retain counsel should be familiar with the authorities governing this proceeding, including the Trademark Trial and Appeal Board Manual of Procedure (TBMP), and the Trademark Rules of Practice (37 C.F.R. Part 2), both accessible directly from the Board's web page: <http://www.uspto.gov/trademarks/process/appeal/index.jsp>. Also on the Board's web page are links to ESTTA, the Board's electronic filing system<sup>1</sup> at <http://estta.uspto.gov>, and TTABVUE, for case status and prosecution history at <http://ttabvue.uspto.gov/ttabvue>.

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<sup>1</sup> The Board strongly encourages parties to file all papers through ESTTA, which operates in real time and provides a tracking number that the filing has been received. For assistance in using ESTTA, call 571-272-8500.

Trademark Rules 2.119(a) and (b) require that every paper filed in the USPTO 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. Proof of service must be made before the paper will be considered by the Board. Accordingly, copies of all papers filed in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. *See* TBMP § 113.03. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service, must be signed and dated, and should take the form of a certificate of service as follows:

**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: (name and address of opposing counsel or party).**

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

Strict compliance with the Trademark Rules of Practice, and the Federal Rules of Civil Procedure (where applicable), is required of all parties before the Board, whether or not they are represented by counsel. *See McDermott v. San Francisco Women's Motorcycle Contingent*, 81 USPQ2d 1212, n.2 (TTAB 2006).

This *inter partes* proceeding is similar to a civil action in a federal district court. The parties file pleadings and a range of possible motions. This proceeding includes designated times for disclosures, discovery (discovery depositions, interrogatories, requests for production of documents and things, and requests for admission, to

ascertain the facts underlying an adversary's case), a trial period, and the filing of briefs. The Board does not preside at the taking of testimony; 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 unless it has been introduced in evidence in accordance with the applicable rules.