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

Baxley

Mailed: August 15, 2016

Cancellation No. 92063588

Kimberly Simmons

v.

Go Daddy Operating Company, LLC

Andrew P. Baxley, Interlocutory Attorney:

In a July 11, 2016 order, the Board granted Respondent's motion (filed June 3, 2016) to dismiss for failure to state a claim and allowed Petitioner until August 10, 2016 to file an amended petition to cancel. Petitioner, appearing *pro se*, filed four separate submissions on July 11, 2016, July 20, 2016, July 26, 2016 and July 28, 2016.[1] The Board will treat Petitioner's July 28, 2016 as Petitioner's amended petition to cancel. Respondent's time to respond to the amended petition is set forth *infra*.

In the July 11, 2016 submission, Petitioner asks that the Board conduct an investigation as to whether Respondent's founder was working at the USPTO at the time she was "looking to protect the idea for individuals to start companies online/ websites (DOMAIN NAMES)etc." (sic) 14 TTABVUE 1. Petitioner is again advised

[1] Petitioner is directed to refrain from filing piecemeal submissions. *See* Trademark Rule 2.127(a).

that the Board is empowered only to determine registrability of trademarks and does not conduct any such investigations. See 13 TTABVUE 2 n.2.

In addition, the Board notes that this proceeding is concerned with the registrability of Respondent's mark GO DADDY for the goods and services recited in involved Registration No. 2558989. Whether Respondent "stole" Petitioner's general business idea of registering domain names for others is not properly raised before the Board. *See* TBMP § 102.01 (2016).

Petitioner intends to represent herself herein. While Patent and Trademark Rule 11.14 permits any person to represent herself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition 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 this proceeding, the parties should review the Trademark Board Manual of Procedure (TBMP) and the Trademark Rules of Practice, online at http://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board-ttab. The Board expects all parties appearing before it, whether or not they are represented by counsel, to comply with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, online at http://www.law.cornell.edu/rules/frcp.

Proceedings are resumed. Dates are reset as follows.

Answer or Other Response to Amended Petition to Cancel Due	**9/9/2016**

Deadline for Discovery Conference	**10/9/2016**
Discovery Opens	**10/9/2016**
Initial Disclosures Due	**11/8/2016**
Expert Disclosures Due	**3/8/2017**
Discovery Closes	**4/7/2017**
Plaintiff's Pretrial Disclosures Due	**5/22/2017**
Plaintiff's 30-day Trial Period Ends	**7/6/2017**
Defendant's Pretrial Disclosures Due	**7/21/2017**
Defendant's 30-day Trial Period Ends	**9/4/2017**
Plaintiff's Rebuttal Disclosures Due	**9/19/2017**
Plaintiff's 15-day Rebuttal Period Ends	**10/19/2017**

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 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. If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.