

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: November 20, 2002

Opposition No. 91151939

HARD DOLLAR CORPORATION

v.

PELLEON, L.P.

David Mermelstein, Attorney:

Now before the Board is opposer's paper, filed September 10, 2002. Opposer's paper requests that the Board enter judgment in its favor (presumably on the ground of *res judicata*) in accordance with a default judgment issued by the United States District Court for the District of Arizona.

However, opposer's paper was not accompanied by proof of service thereof upon applicant. Trademark Rule 2.119(a) provides as follows:

Every paper filed in the Patent and Trademark Office in inter partes cases ... must be served upon the other parties [with the exception of the complaint]. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney or other authorized representative, attached to or appearing on the original paper when filed, clearly stating the date and manner in which service was made will be accepted as prima facie proof of service.

Accordingly, the Board will not act on opposer's motion at this time. A copy of opposer's motion is enclosed for applicant's reference.

The Board construes opposer's paper as a motion for summary judgment. Accordingly, applicant is allowed THIRTY DAYS from the mailing date of this order in which to respond to opposer's motion for summary judgment.

This proceeding is otherwise SUSPENDED pending decision on petitioner's motion.

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