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

Mailed: June 9, 2008

Opposition No. 91181492

BIG O TIRES, INC.

v.

Global Power Tech Inc.

Linda Skoro, Interlocutory Attorney

Applicant filed a communication on April 1, 2008.[1] It is presumed that this communication is intended as an answer to the notice of opposition. On April 18, 2008 opposer filed a motion to strike the informal answer.[2]

A reading of this informal "answer" reveals that it is simply a declaration of applicant's position and more in the nature of a brief on the case than a responsive pleading to

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[1] Applicant's communication did not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119 (which is more fully explained later in this order). In order to expedite this matter, a copy of said communication was forwarded to counsel for opposer on April 11, 2008, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

[2] On May 30, 2008 opposer filed a motion to suspend proceedings pending a decision on its motion to strike. In

the notice of opposition. As such, it does not comply with Rule 8(b) of the Federal Rules of Civil Procedure, made applicable this proceeding by Trademark Rule 2.116(a).

Fed. R. Civ. P. 8(b) provides, in part:

> A party shall state in short and plain terms the party's defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder.

The notice of opposition filed by opposer herein consists of 8 paragraphs setting forth the basis of opposer's claim of damage. In accordance with Fed. R. Civ. P. 8(b) it is incumbent on applicant to answer the notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial.

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light of the decision in this order, the motion to suspend is hereby denied as moot.

In view of the foregoing, applicant is allowed until July 6, 2008 in which to file an answer herein which complies with Fed. R. Civ. P. 8.

As noted earlier in this order, 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 of all papers which applicant may subsequently file in this proceeding, including its answer to the notice of opposition, must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

It should also be noted that while Patent and Trademark Rule 10.14 permits any person to represent itself, 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.

It is recommended that applicant obtain a copy of the latest edition of Title 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice. These rules may be viewed at the USPTO's trademarks page: **http://www.uspto.gov/main/trademarks.htm**. The Board's main webpage (**http://www.uspto.gov/web/offices/dcom/ttab/**) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).[3]

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.

Conferencing, disclosure, discovery and trial dates are reset as follows:

Time to Answer	**July 6, 2008**
Deadline for Discovery Conference	**August 5, 2008**
Discovery Opens	**August 5, 2008**
Initial Disclosures Due	**September 4, 2008**
Expert Disclosures Due	**January 2, 2009**
Discovery Closes	**February 1, 2009**
Plaintiff's Pretrial Disclosures	**March 18, 2009**
Plaintiff's 30-day Trial Period Ends	**May 2, 2009**

[3] Applicant may also obtain a hard copy of the latest edition of Title 37 of the Code of Federal Regulations available for a fee from the U.S. Government Printing Office on the World Wide Web at **http://bookstore.gpo.gov**.

Defendant's Pretrial Disclosures	**May 17, 2009**
Defendant's 30-day Trial Period Ends	**July 1, 2009**
Plaintiff's Rebuttal Disclosures	**July 16, 2009**
Plaintiff's 15-day Rebuttal Period Ends	**August 15, 2009**

Time to Answer	7/16/2008
Deadline for Discovery Conference	8/15/2008
Discovery Opens	8/15/2008
Initial Disclosures Due	9/14/2008
Expert Disclosures Due	1/12/2009
Discovery Closes	2/11/2009
Plaintiff's Pretrial Disclosures	3/28/2009
Plaintiff's 30-day Trial Period Ends	5/12/2009
Defendant's Pretrial Disclosures	5/27/2009
Defendant's 30-day Trial Period Ends	7/11/2009
Plaintiff's Rebuttal Disclosures	7/26/2009
Plaintiff's 15-day Rebuttal Period Ends	8/25/2009

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.