

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

EJW

Mailed: September 17, 2010

Opposition No. 91196411

EKCO Housewares, Inc.

v.

SINDIVIDRO - Sindicato da
Indústria de Vidros e
Cristais Planos e Ocos no
Estado de São Paulo

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On September 9, 2010, opposer filed a motion to amend its notice of opposition, accompanied by an amended notice of opposition and exhibits thereto.

The Board notes, however, that opposer failed to provide proof of service of its motion upon applicant's counsel.¹ 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.

In view of the foregoing, consideration of opposer's submission is deferred; and opposer is allowed until TEN

¹ Opposer's amended pleading may be viewed at <http://ttabvueint.uspto.gov/ttabvue/v?pno=91196411&pty=OPP&eno=4>.

Opposition No. 91196411

DAYS from the mailing date of this order to submit proof of service of opposer's motion to amend its notice of opposition and amended pleading attached thereto, failing which the amended pleading may not be considered. **Strict compliance with the Trademark Rules is expected in future submissions to the Board.**

Conferencing, disclosure, discovery and testimony periods remain as previously set. However, upon submission of opposer's proof of service, the answer due date and other trial dates may be reset.

☼☼☼