

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

am

Mailed: March 29, 2012

Opposition No. 91197060

Emerald Cities Collaborative,
Inc.

v.

Sheri Jean Roese

Cheryl S. Goodman, Interlocutory Attorney:

Applicant's unconsented request, filed February 27, 2012, for additional time, "of at least 30 days," to secure new counsel is granted as conceded. Trademark Rule 2.127(a).

Applicant is allowed until thirty days from the mailing date of this order to appoint new counsel, or to file a paper stating that applicant chooses to represent itself. In view of the Board granting an additional thirty days from the mailing date of this order to hire counsel, the Board finds applicant's recently filed motion (March 26, 2012) to further extend time is moot.¹

¹ By the granting of this motion, applicant will have been afforded more than 90 days to hire new counsel.

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If no appearance of counsel is made or applicant fails to file a response to indicate that she will be representing herself by the time allotted set forth herein, the Board may issue an order to show cause why default judgment should not be entered against applicant based on applicant's apparent loss of interest in the case.

Applicant is advised that future requests to extend time on the basis of securing counsel must include detailed factual information of applicant's efforts to hire counsel during the prior extension period to establish good cause.²

Applicant's February 27, 2012 filing (as well as her March 26, 2012 filing) indicates a "cc" on opposer's counsel which the Board is construing in this instance as service on opposer's counsel. However, a "cc" is not a certificate of service which is the proper method to show prima facie proof of service on opposer's counsel. Trademark Rule 2.119.

Trademark Rule 2.119 requires that a copy of every paper filed with the Board during the course of a proceeding be served on its adversary, unless the adversary is represented by counsel, in which case, the copy must be served on the adversary's counsel. "Proof of such service must be made before the paper will be considered by the Office." Trademark Rule 2.119(a). Service is the

² Applicant's general statements regarding her actions of interviewing law firms and negotiating terms as set forth in her

responsibility of the party filing the paper, and any paper filed should include "proof of service" with its filing. "Proof of service" usually consists of a signed, dated statement attesting to the following matters: (1) the nature of the paper being served; (2) the method of service (e.g., first class mail); (3) the person being served and the address used to effect service; and (4) the date of service.³ Electronic methods of service (facsimile or e-mail) are only available upon agreement by the parties, preferably in writing. Therefore, the other methods of service provided in Trademark Rule 2.119 must be used in event the parties have not agreed to electronic service. Applicant's future filings must include a proper certificate of service to establish prima facie proof of service on opposer's counsel.

Proceedings herein remain suspended.

March 26, 2012, filing, would not be considered detailed factual information for future motions to extend.

³ Suggested format for certificate of service:

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