

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

Mailed: October 7, 2014

**Opposition No. 91216180
(PARENT CASE)**

Opposition No. 91216453

Sun Mark Ltd

v.

Cereales Y Pastas, S.A. De C.V.

Jennifer Krisp, Interlocutory Attorney:

The Board notes that these consolidated proceedings are suspended pending disposition of applicant's June 10, 2014 motion to dismiss the notice of opposition. Proceedings remain suspended pending opposer's filing of a response to the instant order.

Signatory Authority

If it comes to the attention of the Board that an individual who is not entitled, under 37 CFR § 11.14(a), 37 CFR § 11.14 (b), 37 CFR § 11.14 (c) or 37 CFR § 11.14 (d), to practice before the Office in trademark cases, is attempting to represent a client in a Board proceeding, the Board will notify the individual that he or she is not entitled to do so. If the individual signs and files a submission on behalf of a client to a Board proceeding, the submission will not be considered unless a new copy thereof, signed by the

party or by an authorized representative who is entitled to practice before the Office in trademark cases, is filed. *See* TBMP § 114.06 (2014).

The individual who filed the brief on June 30, 2014 on behalf of opposer in opposition to applicant's motion to dismiss is Sanjay Raphael, and is identified on said filing as "Head of Legal Affairs" of the opposer Sun Mark Ltd., a foreign entity which is identified on the notice of opposition as a company located in the United Kingdom. The record does not reflect that Sanjay Raphael is entitled to represent opposer in these proceedings under the statutory authorities cited above (Patent and Trademark Rule 11.14).¹

In view thereof, opposer is allowed until twenty (20) days from the mailing date of this order in which to file herein, and serve on counsel for applicant pursuant to Trademark Rule 2.119, documentary evidence that the signatory is entitled to practice before the USPTO in trademark cases and to represent opposer in these proceedings, or a new copy of opposer's June 30, 2014 brief signed by opposer or by an authorized representative who is entitled to practice before the USPTO in trademark cases. In the absence of

¹ The Board notes that Sanjay Raphael electronically signed the notice of opposition. Neither the Patent and Trademark Rules nor the Trademark Rules of Practice require that *service* of a notice of opposition be effected or attested to by an individual authorized to practice under Patent and Trademark Rule 11.14. *See Birlinn Ltd. v. Stewart*, 111 USPQ2d 1905, 1907 (TTAB 2014). Accordingly, and for clarification, the requirement herein that is directed to opposer is with respect to the signatory authority of the individual on the brief filed June 30, 2014.

a filing which fully meets the requirements of the applicable authorities set forth herein, the Board will give no consideration to the June 30, 2014 filing.²

² Briefing with respect to applicant's motion to dismiss is otherwise closed. Opposer may not file any further arguments on the merits of applicant's motion to dismiss.