

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WF

June 11, 2019

Opposition No. 91224000

Spiritline Cruises LLC

v.

Tour Management Services, Inc.

Elizabeth Dunn, Administrative Trademark Judge:

It has come to the Board's attention that Opposer has not consistently served Applicant via electronic mail with its submissions in this proceeding.

Since the rule change(s) of January 14, 2017, parties have been required to serve every submission filed in the Office in inter partes cases on opposing parties via email. Trademark Rule 2.119(b), 37 C.F.R. § 2.119(b), explicitly states "[s]ervice of submissions filed with the Board ... must be made by email, unless otherwise stipulated... ." ¹

The Board also notes that neither party has raised an issue regarding service via First Class mail and that both parties have submitted trial briefs, indicating that

¹ If the parties stipulated to service via First Class mail, the parties are obligated to file the stipulation for Board approval. TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE § 501.02 (2018) (TBMP).

they have actually been served. Nevertheless, Applicant is ordered to file the following within ten days of the issuance of the present order.

Following Applicant's review of the complete record made available via the Trademark Trial and Appeal Board Inquiry System, commonly known as TTABVue (<http://ttabvueint.uspto.gov/ttabvue/>), Applicant is ordered to inform the Board in writing that Applicant has received service copies of all submissions by the opposing party.

In the event that Applicant did not receive a copy of a submission by Opposer, Applicant must apprise Opposer immediately, and list said deficiency in the notice to the Board. Opposer has ten days from the date of Applicant's written notice to the Board to serve any listed submissions not previously served.

The proceedings are hereby suspended pending receipt of the notice from Applicant.