

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
TTAB Assistance Center: 571-272-8500

Mailed: April 25, 2018

Opposition No. 91239222

Sterling Jewelers Inc.

v.

Tat Lee

Karl Kochersperger, Paralegal Specialist:

Applicant's filing of April 19, 2018 does not include a proper proof of service. Trademark Rule 2.119(a) states that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board may decline to read or consider any future submission filed by Applicant in this proceeding which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

The submission may be accessed via TTABVUE at:
<http://ttabvue.uspto.gov/ttabvue/>.

The Board wishes to clarify that the service of a notice of opposition in any proceeding will be affected by the Board, however, all other submissions will need to be served by the individual party.¹ The Board makes this clarification as Applicant has noted in its certificate of service that “service of the attached Answer to Opposition will be affected by the Board”, and this is not the case (see below). The Board served Applicant’s motion filed April 13, 2018 on Opposer as a courtesy.

SERVICE OF ANSWER AND OF ALL SUBMISSIONS

The service of the answer, and all other submissions in this proceeding, and of all matters that are required to be served but not required to be filed in the proceeding record, **must** be by **email** unless the parties stipulate otherwise. Trademark Rule 2.119(b). In the absence of a stipulation, service may be by other means **only** under the **limited** circumstances and in a manner specified in Trademark Rule 2.119(b). Regarding the signing and service of all submissions, see TBMP §§ 113-113.04.

The answer, and all other submissions, **must** include proof of service. As noted in TBMP § 113.03, proof of service may be in the following certificate of service form:

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 forwarding said copy on (insert date of mailing), via email (or insert other appropriate method of delivery) to: (set out name, and address or email address of opposing counsel or party).
Signature _____
Date _____

¹ Applicant is alerted to the fact that TBMP Section 309.02(c)(1) refers to the notice of opposition only and does not cover all other submissions in a Board proceeding.