

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
General Email: TTABInfo@uspto.gov

RK

March 4, 2021

Opposition No. **91267975**

*Sichuan ZiQi Culture Communication Co., Ltd.
and
Li Jiajia*

v.

BrandLab Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On March 3, 2021, a notice of opposition¹ against Application Serial No. 88977902 was filed and an institution order² was issued by the Board. That same day, Applicant filed a paper requesting the Board's participation in the parties' mandatory discovery conference.³ As part of the filing, Applicant noted that Opposers failed to serve the notice of opposition on Applicant or to include a certificate of service with the filing. Applicant is directed to review Trademark Rules 2.105 and 2.119, 37 C.F.R. §§ 2.105 and 2.119. Trademark Rule 2.119(a) explicitly excludes a notice of opposition from the service requirement because under Trademark Rule 2.105(a), the Board's institution order, which includes a web

¹ 1 TTABVUE.

² 2 TTABVUE.

³ 4 TTABVUE 2.

link or web address to access the electronic proceeding record, constitutes service of the notice of opposition on Applicant. Accordingly, there is no basis to require Opposers to serve the notice of opposition on Applicant or to otherwise strike the filing.⁴

As to Applicant's request for Board participation, it is premature in that issue has yet to be joined in this matter. Once Applicant has filed its answer, Applicant may then renew its request for Board participation in the parties' discovery conference, which request should be made at least ten days prior to the conference deadline.

This matter will continue to proceed in accordance with the schedule in the Board's institution order.

* * *

⁴ It is noted that the certificate of service included with Applicant's filing contains inaccuracies relating to the date of service and the identification of Opposer's counsel as "Applicant's Attorneys." While the Board has overlooked these errors and accepted the filing in the interests of economy and expedition, Applicant is advised to take better care in reviewing future filings with the Board.