

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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vw/jv

September 30, 2024

Opposition No. 91292337

*Casio Keisanki Kabushiki Kaisha DBA Casio  
Computer Co., Ltd.*

*v.*

*Philip Thornton*

**Jacob Vigil, Interlocutory Attorney:**

The Board notes Applicant's communication (filed September 27, 2024) choosing to represent himself.

The communication does not indicate proof of service on Opposer as required by Trademark Rule 2.119.<sup>1</sup> As explained below, strict compliance with Trademark Rule 2.119 is required in all further submissions filed with the Board. The Board may decline to consider any future submission filed in this proceeding by Applicant which does not include proper proof of service.

**Applicant's Representation**

It is noted that Applicant intends to represent himself in this proceeding. While Patent and Trademark Rule 11.14 permits any person to represent itself, it is strongly

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<sup>1</sup> In order to expedite the matter, a copy of the submission can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in *inter partes* proceedings before the Board to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney. *See* TBMP § 114.02.

Trademark Rules 2.119(a) and (b) require that every submission filed in a proceeding before the Board **must** be served upon the other party or parties, and proper proof of such service must be made before the submission will be considered by the Board. Accordingly, all submissions filed in this proceeding **must** be accompanied by a statement, signed by the attorney or other authorized representative, attached to or appearing on the original submission when filed, clearly stating the date and manner in which service was made, the name of each party or person upon whom service was made, and the email address or address. *See* TBMP § 113.03. Service must be made by email unless otherwise stipulated, or unless the filing party has satisfied the requirements for another method of service as set forth in Trademark Rule 2.119(b). The statement will be accepted as prima facie proof of service, must be signed and dated, and should take the form of a Certificate of Service as follows:

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, address, and email address of opposing counsel or party).

Signature \_\_\_\_\_  
Date \_\_\_\_\_

It is recommended that Applicant obtain a copy of the latest edition of Title 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice. These rules may be viewed at the USPTO's Trademarks page: <https://www.uspto.gov/trademark/laws-regulations>. The Board's main webpage, <https://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board>, includes information on the Trademark Rules applicable to Board proceedings, on the Board's online systems, Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP").<sup>2</sup> Further, all Board proceedings and other information regarding the Trademark Trial and Appeal Board may be accessed at the following URLs: <http://ttabvue.uspto.gov/ttabvue/> and <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

### **Electronic Submissions to the Board**

All submissions in Board proceedings must be made via ESTTA, the Electronic System for Trademark Trials and Appeals, and must be in compliance with Trademark Rules 2.126(a) and (b). See TBMP § 110.01. The ESTTA user manual, ESTTA forms, and instructions for their use are at <https://estta.uspto.gov/>.

### **All Parties Must Comply with Board Deadlines**

While it is true that the law favors judgments on the merits wherever possible, it is also true that the Patent and Trademark Office is justified in enforcing its procedural deadlines. *Hewlett-Packard v. Olympus*, 18 USPQ2d 1710 (Fed. Cir. 1991). **Strict**

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<sup>2</sup> The TBMP may be accessed at the following URL: <https://tbmp.uspto.gov/RDMS/TBMP/current#/current/tbmpd0e18.html>.

**compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.**

**Applicant's Correspondence Address**

Applicant is reminded that it is its responsibility to ensure that the Board has its current correspondence address, including email address **and telephone number**. *See* TBMP § 117.07 (If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party). **Applicant should update its correspondence information using the ESTTA filing system to add its telephone number.**

**Proceeding Schedule**

Proceedings are resumed and the proceeding schedule is reset as follows:

Time to Answer	11/9/2024
Deadline for Discovery Conference	12/9/2024
Discovery Opens	12/9/2024
Initial Disclosures Due	1/8/2025
Expert Disclosures Due	5/8/2025
Discovery Closes	6/7/2025
Plaintiff's Pretrial Disclosures Due	7/22/2025
Plaintiff's 30-day Trial Period Ends	9/5/2025
Defendant's Pretrial Disclosures Due	9/20/2025
Defendant's 30-day Trial Period Ends	11/4/2025
Plaintiff's Rebuttal Disclosures Due	11/19/2025
Plaintiff's 15-day Rebuttal Period Ends	12/19/2025
Plaintiff's Opening Brief Due	2/17/2026
Defendant's Brief Due	3/19/2026
Plaintiff's Reply Brief Due	4/3/2026
Request for Oral Hearing (optional) Due	4/13/2026

## IMPORTANT TRIAL AND BRIEFING INSTRUCTIONS

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). **The briefs should cite to the TTABVUE record created during trial by docket entry and page number - e.g., 8 TTABVUE 3 - to facilitate the Board's review of the evidence at final hearing. See TBMP § 801.03.** Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).