

12-03-2002

U.S. Patent & TMOtc/TM Mail RcptDt. #72

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**UNITED STATES PATENT AND TRADEMARK  
OFFICE**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: September 17, 2002

ONE MEDIA, INC.

41 DECATUR STREET  
SAN FRANCISCO, CA 94103

**Cancellation No. 92041020**  
Reg. No. 2473900

JAMES R. GUERETTE  
LOEB & LOEB LLP  
345 PARK AVENUE, 18TH FLOOR  
NEW YORK, NY 10154

THE ONE CLUB FOR ART & COPY, INC.

V.

ONE MEDIA, INC.

**Jamila Wong, Legal Assistant**

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof.  
(See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.

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TRADEMARK TRIAL AND  
APPEAL BOARD

A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

**Discovery and testimony periods are set as follows:**

Discovery period to open: **October 07, 2002**

Discovery period to close: **April 05, 2003**

30-day testimony period for party  
in position of plaintiff to close: **July 04, 2003**

30-day testimony period for party  
in position of defendant to close: **September 02, 2003**

15-day rebuttal testimony period  
for plaintiff to close: **October 17, 2003**

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

Flab



12-03-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70

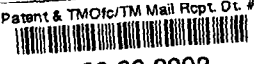
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 2,473,900

Registered: July 31, 2001

For the mark: ONE

U.S. Patent & TMOfo/TM Mail Rcpt. Dt. #57



08-30-2002

<p>THE ONE CLUB FOR ART &amp; COPY, INC.,</p> <p>Petitioner</p> <p>v.</p> <p>ONE VENTURES INC.</p> <p>Respondent.</p>
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Cancellation No. \_\_\_\_\_

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 SEP 11 AM 12:18

**PETITION TO CANCEL**

1. THE ONE CLUB FOR ART & COPY, INC. ("Petitioner"), is a corporation organized and existing under the laws of the State of New York with a principal place of business at 21 East 26<sup>th</sup> Street, New York, New York 10010.

2. Petitioner believes that it will be damaged by the above-referenced registration for the mark ONE, and hereby petitions to cancel the registration pursuant to 15 U.S.C. §1064 and 37 C.F.R. § 2.111(b).

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3. To the best of Petitioner's knowledge, the name and last known address of the current owner of the registration is One Ventures Inc ("Respondent"), a Delaware corporation, located at 42 Decatur, San Francisco, California 94103.

4. Petitioner is and for many years has been engaged in the business of association services, organizing and conducting annual awards presentations, and publishing newsletters and magazines, all relating to the fields of advertising, art, design, and entertainment.

5. Petitioner has since as early as 1977 adopted and continuously used the trademarks THE ONE CLUB, THE ONE SHOW, ONE SHOW AWARD, ONE SHOW INTERACTIVE, and ONE. A MAGAZINE ("THE ONE CLUB Trademarks") in connection with the business of association services, organizing and conducting annual awards presentations, and publishing newsletters and magazines, all relating to the fields of advertising, art, design, and entertainment.

6. THE ONE CLUB Trademarks, since their first use and adoption by Petitioner, have been extensively applied, among other things, to advertising, packaging, and literature for the above-described services. Services and materials so marked and designated have been advertised, promoted, shipped, distributed and sold in interstate commerce in the United States. Petitioner has developed an exceedingly valuable goodwill with respect to THE ONE CLUB Trademarks and such have become widely and favorably known to the public throughout the United States and have become recognized by consumers, the trade and the public at large as identifying and distinguishing Petitioner as the source of origin of services bearing the THE ONE CLUB Trademarks.

7. Petitioner is the owner of four separate trademark registrations in the United States Patent and Trademark Office for the marks THE ONE CLUB (Reg. No. 1,903,208), THE ONE SHOW (Reg. No. 2,175,132), ONE SHOW INTERACTIVE (Reg. No. 2,327,594), and ONE SHOW AWARD (Reg. No. 2,327,594).

8. Petitioner is the owner of and has used the mark ONE. A MAGAZINE in connection with goods related to printed publications, namely, magazines in the fields of advertising, art and design in International Class 16. Petitioner has been using its ONE. A MAGAZINE mark in interstate commerce since at least as early as April 30, 1997.

9. Petitioner filed an application to register its ONE. A MAGAZINE mark on December 19, 2000 (Serial No. 76-182,683) and this application is currently pending with the United States Patent and Trademark Office ("USPTO"). The Examining Attorney has cited Respondent's registration as the basis of a Section 2(d) refusal.

10. Upon information and belief, Petitioner alleges that Respondent has ceased doing business as of June 2001 and has abandoned the mark. Accordingly, Respondent's registration should be cancelled.

11. Petitioner further alleges that Respondent's registration of the mark ONE is likely to cause injury to Petitioner and Petitioner's rights in its ONE. A MAGAZINE mark. Given that Respondent's ONE mark so resembles THE ONE CLUB Trademarks (and particularly Petitioner's ONE A. MAGAZINE mark) and given the close proximity between the goods of Petitioner and Respondent in connection with their respective marks, consumers are likely to believe that Respondent's goods are connected to or affiliated with Petitioner or that Petitioner has, to some degree, sponsored or endorsed Respondent's goods. As such,

Respondent's mark has caused, and is likely to continue causing, confusion, mistake and/or deception among the consuming public regarding the source, affiliation and/or sponsorship between Petitioner and its goods, on the one hand, and Respondent and its goods, on the other with consequent injury to Petitioner.

12. Respondent filed for registration of the ONE mark on November 18, 1997, indicating its intention to use the mark in commerce for a general interest magazine in International Class 16. Respondent did not use said mark until December 6, 2000, and the mark was not registered until July 31, 2001. As such, Petitioner's use in commerce of its ONE. A MAGAZINE mark pre-dates Respondent's first use and first use in commerce of the mark ONE and pre-dates the filing date of Respondent's application for registration.

13. Because the date of Petitioner's first use of the ONE. A MAGAZINE mark precedes the date of Respondent's first use of the ONE mark and precedes the filing date of Respondent's application for registration, Respondent's registration should be cancelled.

WHEREFORE, Petitioner prays that this Petition to Cancel be sustained and that Registration No. 2,473,900, registered July 31, 2001, be cancelled.

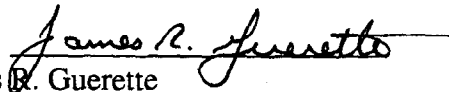
A duplicate copy of this Petition to Cancel and the statutory fee of \$300.00 are enclosed herewith.

Please recognize as attorneys for Petitioner, James R. Guerette, James D. Taylor, and Kelly Wick (members of the Bar of the State of New York) and the firm of Loeb & Loeb LLP, 345 Park Avenue, New York, New York 10178. Please address all communications to James R Guerette of said firm and address.

Respectfully submitted,

THE ONE CLUB FOR ART & COPY, INC.

Dated: August 30, 2002

By:   
James R. Guerette  
James D. Taylor  
Kelly Wick  
Attorneys for Petitioner  
Loeb & Loeb LLP  
345 Park Avenue, 18<sup>th</sup> Floor  
New York, N.Y. 10154  
(212) 407-4000



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Direct Dial: 212-407-4861  
e-mail: jguerette@loeb.com

*Uera Tort*  
EXPRESS MAILING CERTIFICATE  
I, *Uera Tort* (Name) do hereby certify that the foregoing documents  
are being deposited with the United States Postal Service as Express Mail postage prepaid  
in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal  
Drive, Arlington, Virginia 22202-3513 on this date of *8/30/02* (Date)  
*Uera Tort* (Signature)  
*EL 753058735US*  
Express Mail® Number  
*8/30/02*  
Date of Deposit

August 30, 2002

## VIA EXPRESS MAIL

Commissioner for Trademarks  
2900 Crystal Drive  
Box TTAB FEE  
Arlington, VA 22202-3513

EL753058735US

U.S. Patent & TMO/TM Mail Rpt. Dt. #57



08-30-2002

2 SEP 11 AM 12:18

TRADemark TRIAL AND  
APPEAL BOARD

Re: Petition to Cancel Registration No. 2,473,900 for the mark  
"ONE"

Dear Sir/Madam:

Enclosed for filing please find two copies (an original and one copy) of a Petition to Cancel the above-referenced registration for the mark "ONE" on behalf of The One Club for Art & Copy, Inc.

Also enclosed is the required fee in the amount of \$300 made payable to the Commissioner for Trademarks.

Once the enclosed Petition to Cancel has been received, kindly return the enclosed self-addressed, postage-paid postcard confirming your receipt of these materials.

Sincerely,

*James R. Guerette*  
James R. Guerette

06559300010  
NY245400.1

Enclosures

cc: Ms. Mary Warlick  
David H. Carlin, Esq.

NEW YORK  
LOS ANGELES  
NASHVILLE

**TTAB NOTICE CONCERNING CORRESPONDENCE ADDRESS**  
**(TRADEMARK RULE 2.18)**

The Trademark Trial and Appeal Board will mail correspondence to only one address for each party.

If a party is located in the U.S., correspondence will be sent to the party's own address, unless (1) papers filed with the Board are filed by a party's attorney, (2) a written power of attorney is filed, (3) a written authorization of some other person entitled to be recognized is filed, or (4) the party requests in writing that correspondence be sent to another address. In these situations, correspondence will be sent, respectively, to (1) the attorney filing papers, (2) the attorney named in the power of attorney, (3) the other person designated in the written authorization, or (4) the other address specified by the party.

When one attorney or other authorized representative makes an appearance on behalf of a party, his address is noted on the proceeding file as the correspondence address. If a second attorney or other authorized representative makes an appearance on behalf of the party, and requests that correspondence be directed to him, the correspondence address on the proceeding file will be changed, and future correspondence will be sent to the second attorney or other authorized representative, rather than to the first one. If the second attorney or other authorized representative does not request that correspondence be sent to him, the Board will continue to send correspondence to the first attorney or authorized representative.

If a power of attorney from a party to one attorney has been filed, and thereafter another attorney or authorized representative makes an appearance on behalf of the party and asks that correspondence be sent to him, the second attorney or authorized representative will be required to submit authorization from the party or from the first attorney, for the requested change in correspondence address.

If a power of attorney from a party to one attorney has been filed, and thereafter a power of attorney from the party to another attorney is filed, the second power of attorney will be construed as a written request to change the correspondence address from the first attorney to the second one, even if there is no revocation of the first power, unless the party or the first attorney directs otherwise. Likewise, if an attorney makes an appearance on behalf of a party, and thereafter the party files a written power of attorney to another attorney, the Board will send subsequent correspondence to the appointed attorney.

If a power of attorney from a party to one attorney has been filed, and thereafter that attorney files an "associated power of attorney" to another attorney, the correspondence address will remain unchanged, and the Board will continue to send correspondence to the first attorney, unless the first attorney or the party directs otherwise.

In the case of a party whose application is the subject of a Board proceeding, any appearance or power of attorney (or designation of other authorized representative) of record in the application file at the time of the commencement of the Board proceeding is considered to be effective for purposes of the proceeding, and correspondence will be sent initially to that address. Thereafter, the correspondence address may be changed as described in Trademark Rule 2.18.

In the case of a party whose registration is the subject of a Board proceeding, any representative which may be of record in the registration file at the time of the commencement of the Board proceeding is not considered to be effective for purposes of the Board proceeding. Rather, correspondence is sent to the registrant itself unless and until another correspondence address is established in the manner described in Trademark Rule 2.18.

## THE TRADEMARK TRIAL AND APPEAL BOARD WOULD LIKE YOU TO KNOW:

The TTAB Customer Service Center is available to

- \*answer telephone inquiries
- \*explain pertinent legal provisions and related administrative practices as they apply to specific cases
- \*provide status information on pending cases
- \*provide access to the files of pending cases
- \*resolve problems

The telephone number for the TTAB Customer Service Center is (703) 308-9300, extension 0 [zero].

The Patent and Trademark Office has two special boxes for expedited processing and distribution of documents filed with the TTAB. Envelopes and transmittal letters for TTAB should be addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202, followed by one of the following designations

"Box TTAB Fee": for papers filed with the TTAB that include filing fees, such as notices of opposition, petitions to cancel, and notices of ex parte appeal  
and

"Box TTAB": for all non-fee papers filed with the TTAB, such as requests for extensions of time to file notices of opposition and motions.

The TTAB Customer Service Center makes every effort to provide public access to application files, opposition files, cancellation files and concurrent use files immediately upon request for access. Files located will be made available in a central storage area accessible to the public. You can also access information about TTAB proceeding files online. Go to <http://www.uspto.gov/web/offices/dcom/ttab/> and click the "BISX LINK".

Any questions, comments, or suggestions concerning TTAB service should be directed to Jean Brown, TTAB Technical Program Manager, at (703) 308-9300, extension 123 or Afendi Ziad, Supervisory Legal Assistant at (703) 308-9300, extension 205.

## NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Trademark Trial and Appeal Board encourages you to consider alternative dispute resolution as a means of settling the issues raised in this opposition or cancellation proceeding. Although more than 95% of Board proceedings are decided prior to trial (by settlement or by entry of pre-trial judgment), alternative dispute resolution techniques might produce an earlier, mutually agreeable resolution of your dispute or might, at least, narrow the scope of discovery or the issues for trial. In either case, alternative dispute resolution might save you time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of organizations that have indicated that they can make arrangements for alternative dispute resolution. The listings are given for your convenience; the Board does not sponsor nor endorse any particular organization's alternative dispute resolution services.

### International Trademark Association

Telephone: (212) 642-1726

Fax: (212) 768-7796

[www.inta.org/adr/index.shtml](http://www.inta.org/adr/index.shtml)

e-mail: [lstigliano@inta.org](mailto:lstigliano@inta.org)

### CPR Institute for Dispute Resolution

Telephone: (212) 949-6490

Fax: (212) 949-8859

[www.cpradr.org](http://www.cpradr.org)

e-mail: [info@cpradr.org](mailto:info@cpradr.org)

### American Intellectual Property Law Association (AIPLA)

2001 Jefferson Davis Highway

Suite 203

Arlington, Virginia 22202

Telephone: (703) 415-0780

Fax: (703) 415-0786

### American Arbitration Association (AAA)

Headquarters

140 West 51<sup>st</sup> Street

New York, New York 10020-1203

Telephone: (212) 484-3266

Fax: (212) 307-4387

Finally, if the parties consider using alternative dispute resolution in this proceeding, the Board would like to know; and if the parties actually engage in alternative dispute resolution, the Board would be interested to learn what mechanism (e.g., arbitration, mediation, etc.) was used and with what general result. Such a statement from the parties is not required but would be helpful to the Board in assessing the value of alternative dispute resolution in Trademark Trial and Appeal Board proceedings.

**PROCEEDING SYNOPSIS**

United States Patent and Trademark Office, Trademark Trial and Appeal Board

Trademark Opposition and Cancellation Proceedings Under 15 USC 1063, 1064; 37 CFR 2.101 et seq.

**FILING OPPOSITION/CANCELLATION**

Any person (Opposer) may file a Notice of Opposition within 30 days against any mark published under 15 USC 1062(a) in Official Gazette; may oppose in whole or part.<sup>1</sup>

Time for filing Notice may be extended by written request to TTAB. A first extension for not more than 30 days will be granted upon request. Further extensions may be granted for good cause. Extensions aggregating more than 120 days from pub. date not granted unless consented to by applicant or extraordinary circumstances. 37 CFR 2.102(c). Request should be in triplicate. 37 CFR 2.102(d).

Any person (Petitioner) may file a Petition to cancel a registration in whole or in part, but only under conditions set forth in 15 USC 1064.<sup>2</sup> Geographic limitation will be considered by TTAB only in concurrent use proceeding. 37 CFR 2.99(h), 2.133(c).

Opposer/Petitioner is in position of Plaintiff and Applicant/Respondent is Defendant. 37 CFR 2.116(b).

Notice/Petition corresponds to complaint in civil action. 37 CFR 2.116(c).

Amendment to pleadings in accord with Rule 15, Fed. Rules of Civil Procedure (FRCP). 37 CFR 2.107, 2.115.

**MAILING PROCEDURES**

Certificate of Mailing or Transmission and Express Mail procedures effective for all papers. 37 CFR 1.8, 1.10.

**INSTITUTION OF PROCEEDING; WITHDRAWAL**

TTAB examines Notice/Petition for formal requirements and sends notification to Defendant, generally within few weeks of filing date. Duplicate copy of Notice/Petition and Exhibits sent to Defendant. 37 CFR 2.105, 2.113.

Notice/Petition may be withdrawn without prejudice before Defendant files Answer. 37 CFR 2.106(c), 2.114(c). With written consent of Defendant, later withdrawal may be without prejudice.

Defendant may not abandon application or surrender registration without prejudice except with written consent of Plaintiff. 37 CFR 2.135, 2.134.

**ANSWER; MOTIONS**

Time for Answer set by TTAB for 40 days from Notification mailing date.<sup>3</sup> Counterclaim should be filed with answer or promptly upon discovery of information supporting Counterclaim. 37 CFR 2.106(b), 2.114(b).

Time for reply to Counterclaim set by TTAB for not less than 30 days from TTAB action mailing date. 37 CFR 2.106(b), 2.114(b).

Motions may be brought before TTAB in writing and with Brief in support. Brief in opposition thereto, 15 days (30 days for summary judgment motion). Briefs limited to 25 pages. Reply Brief, if filed, 15 days, limited to 10 pages. Reconsideration 30 days after decision; Opposition Brief, 15 days. 37 CFR 2.127. Most motions used in Federal practice are applicable.

Motions for Summary Judgment, to Compel, and to Test Sufficiency of Responses to Requests for Admissions, if filed, due before Plaintiff testimony period opens. 37 CFR 2.127(e), 2.120(e), 2.120(h).

**TRIAL DATES**

TTAB issues Order setting opening and close of Discovery and Trial dates. Discovery set for period of 180 days; 30-day Pl. Testimony period closes 90 days after close of Discovery period; 30-day Def. Test. period closes 60 days after Pl. Test. period; 15-day Pl. Rebuttal Test. period closes 45 days after Def. Test. period. 37 CFR 2.120(a), 2.121.

In cases where Counterclaim filed, TTAB sets additional time periods for testimony and briefing.

**DISCOVERY PERIOD**

Interrogatories, Reqs. for Prod. of Docs. & Things, and Reqs. for Adm., if served, must be served by last day of Discovery period. Written Responses within 30 days from date of service of Disc. Reqs. FRCP apply except as otherwise provided. 37 CFR 2.116, 2.120(a). Extension of Time to respond to discovery granted upon cause or by stipulation.<sup>4</sup>

Interrogatories limited to proceeding total of 75, counting subparts; additional interrogatories allowed upon motion for good cause or by stipulation. 37 CFR 2.120(d)(1).

Discovery Depositions (noticed and taken within Disc. Period) in District where deponent resides or is employed. 37 CFR 2.120(a), 2.120(b). Either party may request designation of witnesses under FRCP 30(b)(6), 31(a).

**PLAINTIFF'S TRIAL PERIOD**

Plaintiff's Testimony-In-Chief. Opens 60 days after Discovery Period closes, and runs for 30 days (refer to Order).

Testimony taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

Plaintiff serves transcript of testimony and copies of documents, exhibits on adverse party within 30 days after completion of taking testimony. Certified transcript and exhibits filed with TTAB. 37 CFR 2.125.

Notice of Reliance as appropriate for Discovery Deps., Adms. and Int. Answers, with copies of same, due before close of test. 37 CFR 2.120.<sup>5</sup>

Involved app. or reg. files are in evidence for relevant and competent purposes. Publications in gen. Circ. of lib. libraries, and official records, may be received if appropriate. Notice of Reliance is filed and copies submitted within Test. period. 37 CFR 2.122.

Motion under 37 CFR 2.120, if filed, due after close of Pl.'s Test. period & before opening of Def.'s Test. period.

**DEFENDANT'S TRIAL PERIOD**

Opens 30 days after close of Pl.'s Test. period. Runs for 30 days.

Test. taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

Notice of Reliance as appropriate for responses also due within Test. period, if filed. 37 CFR 2.120.<sup>5</sup>

Notice of Reliance as appropriate for publ. and official records due within Test. period, if filed. 37 CFR 2.122.

Def. serves test. transcript and exhibits within 30 days and files certified transcript and exhibits with TTAB. 37 CFR 2.125.

**PLAINTIFF'S REBUTTAL PERIOD**

Rebuttal Test. period for Pl. opens 30 days after close of Def.'s Test. period and runs for 15 days.

Pl. may file Notice of Reliance under 37 CFR 2.120, 2.122, with matter relied on, and take Dep. to rebut Def. Test. and other evidence.

Pl. serves and files transcript of Rebuttal Test. and exhibits in accordance with 37 CFR 2.125.

**BRIEFS; ORAL HEARING**

Pl. Brief due 60 days after Test. period closing.<sup>6</sup>

Def. Brief, if filed, due 30 days after Pl. Brief due.

Pl. Reply Brief, if filed, due 30 days after Def. Brief due. 37 CFR 2.128.

Separate Request for Oral Hearing, if filed, due not later than 10 days after Reply Brief due. 37 CFR 2.129.

TTAE Notice of Oral Hearing sent to all parties.

❖ Oral Hearing before panel of at least three TTAE judges. 30 minutes for each party. 37 CFR 2.129.

❖ DECISION; RECONSIDERATION; APPEAL  
TTAE Deliberation. Writing of Opinion and Decision in due course.

❖ Request for rehearing, reconsideration or modification, if filed, due within one month. Brief

in opposition due within 15 days. 37 CFR 2.129(c).

❖ Any Appeal from TTAE Decision due within two months of Decision or two months after denial of Request for recon. See special 1 y. 37 CFR 2.129(d).

NOTE: *Footnotes and TTAB addresses and telephone number appear on the back of this sheet*

### FOOTNOTES

- (1) Opposer may be any legal entity including a corporation. Opposer must believe that opposer would be **damaged** by registration of the mark and state the reasons. 15 USC 1063 and 37 CFR 2.101. Notice of Opposition need not be verified. \$200 required fee for each class for each person opposing. 37 CFR 2.6, 2.101(b). May be signed by a attorney. 37 CFR 2.101(b). Duplicate copy including exhibits required. Order status and title copies of pleaded registrations in advance and attach to Notice/Petition or introduce as evidence during Testimony-In-Chief period. 37 CFR 2.122.
- (2) Action, grounds and requirements (Footnote 1) for initiation of Cancellation proceeding are similar to those for an Opposition proceeding and are covered in 15 USC 1064, 1092 and 37 CFR 2.111, 2.112. \$200 required fee per class, per person. Duplicate copy required.
- (3) Except Notice/Petition, each paper must be served on opponent. Statement of service (date and manner) is required. Period to respond to Motions and Discovery Requests is extended 5 days when service is by first-class mail, "Express Mail," or overnight courier. 37 CFR 2.119. Action due on weekend or D.C. holiday can be taken on next business day. 37 CFR 17.
- (4) Resetting of time to respond to Discovery Request does not result in extension of Discovery period and subsequent testimony periods unless requested. 37 CFR 2.120(a). All consented extensions of time should be filed in triplicate and list specific dates for all subsequent periods affected.
- (5) Except for 37 CFR 2.122(e) documents, documents produced in response to Requests for Production cannot be made of record by Notice of Reliance alone. 37 CFR 2.120(j)(ii).
- (6) Briefs should be typewritten or printed, double-spaced, in at least pica or eleven-point type, on letter paper (8 1/2 x 11). Three copies of briefs required. Alphabetical index of cases required. Length limit of 55 pages, including table of contents, index of cases, description of record, statement of issues, recitation of facts, argument, and summary. Reply brief 25 pages total. 37 CFR 2.128(b).

### ADDRESSES AND TELEPHONE

All papers not requiring a fee should be mailed to:

Box TTAB No Fee  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

NOTE: For papers with fee, use "Box TTAB Fee"

### TTAB Office Location and Telephone Number

2900 Crystal Drive  
South Tower, Suite 9B40  
Arlington, Virginia 22202-3513

Telephone: (703) 308-9300