

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: August 11, 2011

Cancellation No. 92054187

Vitamin Classics, Inc.

v.

David Nichols

Andrew P. Baxley, Interlocutory Attorney:

On August 9, 2011, respondent filed a motion to extend his time to answer by thirty days. On August 10, 2011, petitioner's attorney provided petitioner's consent to that motion by telephone.

Accordingly, the motion to extend is granted. Dates are reset as follows.

Answer Due	9/8/11
Deadline for Discovery Conference	10/8/11
Discovery Opens	10/8/11
Initial Disclosures Due	11/7/11
Expert Disclosures Due	3/6/12
Discovery Closes	4/5/12
Plaintiff's Pretrial Disclosures Due	5/20/12
Plaintiff's 30-day Trial Period Ends	7/4/12
Defendant's Pretrial Disclosures Due	7/19/12
Defendant's 30-day Trial Period Ends	9/2/12
Plaintiff's Rebuttal Disclosures Due	9/17/12
Plaintiff's 15-day Rebuttal Period Ends	10/17/12

Respondent intends to represent himself herein. While Patent and Trademark Rule 11.14 permits any person to represent himself, it is generally advisable for a person

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who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding 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.

In this opposition, the parties should review the Trademark Board Manual of Procedure (TBMP), online at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/index.html>, and the Trademark Rules of Practice, online at <http://www.uspto.gov/trademarks/law/tmlaw.pdf>. The Board expects all parties appearing before it, whether or not they are represented by counsel, to comply with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, online at <http://www.law.cornell.edu/rules/frcp>.

Respondent's motion did not include proof of service upon petitioner's attorney of record. Trademark Rules 2.119(a) and (b) state that every paper filed in this proceeding must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which respondent may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made, e.g., by

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mail. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service. Respondent is advised that the Board will not consider any further submissions from him that are filed without proof of service on petitioner at its correspondence address of record.

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

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

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.