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

Proceeding	92060339
Party	Plaintiff The Scripps Research Institute
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Submission	Other Motions/Papers
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Date	01/15/2015
Attachments	NtcOfUnderliverableServiceCopy.pdf(660136 bytes)

**In the United States Patent and Trademark Office Before
The Trademark Trial and Appeals Board**

In the Matter of :
Cancellation No. 92060339
Trademark Registration No. 4,418,343
For the Trademark XCMS

The Scripps Research Institute,
Petitioner (Plaintiff),

v.

Ralf Tautenhahn,
Respondent (Defendant).

PETITIONER'S NOTICE AND DECLARATION OF RECEIPT OF UNDELIVERABLE SERVICE COPY

Petitioner, The Scripps Research Institute, through its undersigned attorney, hereby notifies the Trademark Trial and Appeal Board pursuant to Trademark Rule 2.119(b), that Petitioner has received an undeliverable service copy of its Petition For Cancellation of Trademark Registration No. 4,418,343.

Petitioner provides herewith a Declaration by its attorney of record, Dr. Thomas Fitting, Esq. in support of this Notice.

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The Scripps Research Institute,

Petitioner (Plaintiff),

v.

Ralf Tautenhahn,

Respondent (Defendant).

**DECLARATION IN SUPPORT OF PETITIONER'S NOTICE OF RECEIPT
OF UNDELIVERABLE SERVICE COPY**

I, THOMAS FITTING, declare as follows:

1. I am the attorney of record for Petitioner, The Scripps Research Institute, in this matter.
2. If called upon to testify as to the matters set forth herein, I could and would competently testify thereto as the matters set forth in this declaration are personally known to me to be true.
3. On November 7, 2014, I caused to be served a copy of Petitioner's Petition For Cancellation of Trademark Registration No. 4,418,343 on the Registrant, Ralf Tautenhahn, at the correspondence address of record in the Office via the "Express Mail Post Office to Addressee" service of the United States Postal Service.
4. On the same date therewith, I filed Petitioner's Petition For Cancellation of Trademark Registration No. 4,418,343 by utilizing the Board's Electronic System for Trademark Trials and Appeals ("ESTTA") filing system and included a certificate of service that the

petition for cancellation has been “served upon all parties, at their address of record by USPS Express Mail Post Office to Addressee on this date.”

5. On January 7, 2015, the service copy of the cancellation was returned to Petitioner as “unclaimed” and therefore undeliverable by the U.S. Postal Service, notwithstanding the fact that the service copy was addressed to Registrant at his correspondence address of record.
6. Per Rule 2.111(b), Petitioner is notifying the Trademark Trial and Appeals Board within ten (10) days of Petitioner’s receipt of the returned service copy.
7. I make this Declaration in support of Petitioner’s Notice of Receipt of Underliverable Service Copy.

I declare under penalty of perjury under the laws of California that the foregoing statements are true and correct. Executed this 15th day of January 2015, at LaJolla, California.



Dr. Thomas Fitting, Esq.
Chief Patent Counsel
The Scripps Research Institute

Submitted By:

Dr. Thomas Fitting, Esq. Bar No.:
The Scripps Research Institute
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