

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

EJW/ey

Mailed: February 5, 2018

Cancellation No. 92067504

*Colombina S.A.*

*v.*

*Amazonas Imports, Inc.*

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

On December 14, 2017, Respondent filed Section 7 Request Forms through the Trademark Electronic Application System (TEAS) seeking to to amend its name from Amazonas Imports, Inc. to Amazona's Imports, Inc. in each of the involved registrations.

**Submit All Filings Online via ESTTA**

Respondent is advised that a request to amend a registration involved in a Board proceeding must be filed with the Board, not with the Trademark Examining Operation. *See* Trademark Rule 2.133; Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 514.01 (June 2017). Submissions in a Board proceeding **must** be filed via ESTTA,<sup>1</sup> the Board's online filing system, unless technical problems or extraordinary circumstances prevent its use. *See* Trademark Rule 2.126(a). In order to expedite the matter, a copy of each Section 7 Request Form filed by Respondent has been added to the Board's electronic file for this proceeding.

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<sup>1</sup> <https://estta.uspto.gov/>.

### **Proof of Service Required**

The Board also notes that Respondent's submissions fail to indicate proof of service on Petitioner's counsel, as required by Trademark Rule 2.119, 37 C.F.R. § 2.119. Trademark Rules 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board 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 submission will be considered by the Board.

"Proof of service" usually consists of a signed, dated statement attesting to the following matters: (1) the title or nature of the document being served, (2) the method of service (e.g., electronic mail), (3) the person being served and the address used to effect service, and (4) the date of service. The written statement should take the form of a "certificate of service" which should read as follows:

The undersigned hereby certifies that a true and correct copy of the foregoing [insert title of document] was served upon Petitioner's counsel by forwarding said copy, via electronic mail to: [insert name and email address].

**The certificate of service must be signed and dated.** The certificate may be electronically signed.

In view of the foregoing, Respondent is allowed until **TEN DAYS** from the mailing date of this order to submit proof of service of each Section 7 Request Form on Petitioner's counsel, failing which said requests will be given no consideration. The time to answer, conduct the parties' mandatory discovery conference, serve disclosures, conduct discovery and testimony periods remain as set forth in the Board's order dated January 12, 2018.

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