

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
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September 4, 2019

Cancellation No. 92071368

*Union Pacific Railroad Employes Health  
Systems, Inc.*

*v.*

*Drug Depot Pharmacy, Inc.*

**Tyrone Craven, Acting Supervisory Paralegal:**

Petitioner's motion for default judgment filed July 10, 2019 does not include proof of service. Trademark Rule 2.119(a) states that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board may decline to read or consider any future submission filed by Petitioner in this proceeding which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

At this time, in order to expedite matters, and because the interests of the parties would be served thereby, the Board serves, along with this order, a copy of the

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submission that does not include proof of service. Also, the submission may be accessed via TTABVUE at: <http://ttabvue.uspto.gov/ttabvue/>.

In view of the circumstance, Respondent is allowed **TWENTY DAYS** from the mailing date of this order to file a response to Petitioner's motion, failing which the motion may be granted as conceded.

Proceedings herein otherwise remain suspended.