

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
General Email: TTABInfo@uspto.gov

October 19, 2019

Cancellation No. 92072132

114 Kenmare Associates, LLC

v.

Karl Davila Friedrich

Victoria von Vistauxx, Paralegal Specialist:

On August 23, 2019, the Board instituted the above-captioned cancellation proceeding. 2 TTABVUE. A copy of the said order was mailed to Respondent at its address as reflected in the Board's record. However, a review of the record appears to show that Respondent has designated Rene Zenon as its representative in the United States on whom notices or process in proceedings affecting the mark may be served.¹ See Trademark Rule 2.24; TBMP § 114.07.

NOTICE TO RESPONDENT

Respondent is domiciled outside of the United States. The USPTO has published amendments to its rules to require applicants, registrants or parties to a proceeding whose domicile is not located within the U.S. or its territories to be represented by an

¹ It is not clear from the record if Rene Zenon is a licensed attorney in good standing of the bar of the highest court of a state in the U.S., including District of Columbia, or any Commonwealth or territory. See 84 FR 31498

attorney who is an active member in good standing of the bar of the highest court of a state in the U.S., including the District of Columbia, or any Commonwealth or territory. The rules became effective on August 3, 2019. *See* 84 FR 31498 (Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants, July 2, 2019).

In view of the foregoing, answer due date, conferencing, disclosure and all subsequent trial dates are reset as indicated below.

A copy of the petition to cancel along with a copy of the present order is mailed to Respondent's domestic representative at the address below.

RENE ZENON
2221 MONUMENT AVE
RICHMOND VA 23220
UNITED STATES

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.114(b)(1).

Time to Answer	11/18/2019
Deadline for Discovery Conference	12/18/2019
Discovery Opens	12/18/2019
Initial Disclosures Due	1/17/2020
Expert Disclosures Due	5/16/2020
Discovery Closes	6/15/2020
Plaintiff's Pretrial Disclosures Due	7/30/2020
Plaintiff's 30-day Trial Period Ends	9/13/2020
Defendant's Pretrial Disclosures Due	9/28/2020
Defendant's 30-day Trial Period Ends	11/12/2020
Plaintiff's Rebuttal Disclosures Due	11/27/2020
Plaintiff's 15-day Rebuttal Period Ends	12/27/2020
Plaintiff's Opening Brief Due	2/25/2021
Defendant's Brief Due	3/27/2021
Plaintiff's Reply Brief Due	4/11/2021
Request for Oral Hearing (optional) Due	4/21/2021

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:**

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Parties are strongly encouraged to check the entire document before filing.² The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

² To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.