

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

March 22, 2021

Cancellation No. 92075385

HC Salon Brand Holdings, LLC

v.

The Bubble, LLC

Nicole Thier, Paralegal Specialist:

On March 16, 2021, Respondent filed again a communication which again failed to indicate proof of service on the counsel for Petitioner as required by Trademark Rule 2.119. As explained below, strict compliance with Trademark Rule 2.119 is required in all further submissions filed with the Board. The Board may decline to consider any future submission filed in this proceeding by Respondent which does not include proof of service.

The Board has informed Respondent on both December 17, 2020 and again January 19, 2021 that its Answer and response to the notice of default must comply with Fed R. Civ. P. 8(b), which is made applicable this proceeding by Trademark Rule 2.116(a).

Fed. R. Civ. P. 8(b) provides, in part:

(b) Defenses; Admissions and Denials.

(1) *In General*. In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it; and

(B) admit or deny the allegations asserted against it by an opposing party.

(5) *Lacking Knowledge or Information*. A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

The petition to cancel filed by Petitioner consists of 23 paragraphs setting forth the basis of Petitioner's claim of damage. In accordance with Fed. R. Civ. P. 8(b), Respondent must answer the petition to cancel **by specifically admitting or denying the allegations contained in each paragraph. If Respondent is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial.** Trademark Rule 2.114(b)(2).

In view of the foregoing, proceedings are suspended. Respondent is allowed until thirty days from the date of this order to file a proper Answer to the petition to cancel and respond to the Board's show cause order, failing which judgment by default will be entered against Respondent in accordance with Fed. R. Civ. P. 55(b)(2).