

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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December 7, 2020

Cancellation No. 92075385

*HC Salon Brand Holdings, LLC*

*v.*

*The Bubble, LLC*

**Nicole Thier, Paralegal Specialist:**

The answer to the petition to cancel was due November 14, 2020. On November 24, 2020, the Board allowed Respondent thirty days to show cause why judgment by default should not be entered against Respondent for its failure to file a timely answer in accordance with Fed. R. Civ. P. 55(b)(2).

Respondent filed a communication with the Board on December 2, 2020. However, the response failed to include an answer to the petition to cancel, respond to the show cause order, or serve the 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.

In view thereof, Respondent is allowed **30 days** from the mailing date of this order to file its response to the Board's show cause order, serving Petitioner accordingly.

The parties are reminded that all communications 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 numbered 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, Respondent is also allowed until **thirty days** from the date of this order in which to file through ESTTA pursuant to Trademark Rule

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2.114(b)(1)<sup>1</sup>, and serve pursuant to Trademark Rule 2.119(b), an answer which complies with Fed. R. Civ. P. 8(b).

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<sup>1</sup> Instructions and forms for filing through ESTTA are available at <http://estta.uspto.gov>. All Board proceeding files can be viewed via TTABVue at <http://ttabvue.uspto.gov>.