

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](mailto:TTABInfo@uspto.gov)

January 25, 2021

Cancellation No. 92075401

*Todos Santos Surf, Inc.*

*v.*

*Kent G.Anderson*

**M. Catherine Faint,  
Interlocutory Attorney:**

On December 14, 2020, Respondent submitted a communication which does not respond to the notice of default or answer the petition to cancel.

**SUBMISSIONS MUST BE MADE VIA ESTTA**

Respondent's communication was submitted in paper form, and does not include a written explanation that the Board's Electronic System for Trademark Trials and Appeals ("ESTTA") was unavailable due to technical problems or that extraordinary circumstances prevented filing through ESTTA. Effective January 14, 2017, Trademark Rule 2.126(a), as amended, states that submissions must be made to the Board via ESTTA. Trademark Rule 2.126(b) provides for exceptions to electronic filing in certain circumstances: ESTTA is unavailable due to technical problems, or when extraordinary circumstances are present. See also, Miscellaneous Changes to

Trademark Trial and Appeal Board Rules of Practice, 81 Fed. Reg. 69950, 69983 (October 7, 2016) (Final Rule).

ESTTA is accessible at the following link: <http://estta.uspto.gov/>.

### **SERVICE OF ALL SUBMISSIONS**

Respondent's communication fails to include proof of service on the Petitioner, as required by Trademark Rule 2.119(a). Trademark Rules 2.119(a) and (b) require that every submission filed in a proceeding before the Board **must** be served upon the other party or parties, and proof of such service must be made before the submission will be considered by the Board. Accordingly, copies of all submissions filed in this proceeding must be accompanied by a statement, signed by the attorney or other authorized representative, attached to or appearing on the original submission when filed, clearly stating the date and manner in which service was made, the name of each party or person upon whom service was made, and the email address or address. See TBMP § 113.03. Service must be made by email unless otherwise stipulated, or unless the filing party has satisfied the requirements for another method of service as set forth in Trademark Rule 2.119(b). The statement will be accepted as prima facie proof of service, must be signed and dated, and should take the form of a Certificate of Service as follows:

I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by forwarding said copy on (insert date of mailing), via email (or insert other appropriate method of delivery) to: (set out name, address, and email address of opposing counsel or party).

Signature \_\_\_\_\_  
Date \_\_\_\_\_

**RESPONSE DUE**

In view of the foregoing, Respondent's communication, that was submitted on paper and did not include a certificate of service, will not be considered. Respondent is allowed until **15 DAYS** from the date of this order to file a response to the notice of default through ESTTA.<sup>1</sup> Additionally, Respondent must serve its submission on counsel for Petitioner and include a certificate of service with its response, as explained above.

If no response to this order is received, default judgment may be entered against Respondent.

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<sup>1</sup> Should Respondent require assistance using ESTTA, Respondent may call the TTAB Assistance Center at 517-272-8500 between 8:30 a.m. and 5:00 p.m. Eastern Time, Monday through Friday.