

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)

June 7, 2022

Cancellation No. 92079507

*Peachbulk PTY LTD*

*v.*

*Mary Kay Inc.*

**Chaunte Austin, Paralegal Specialist:**

The Board notes Respondent's answer to the petition to cancel, filed on May 31, 2022.

The answer fails to include proof of service on the other party or parties, as required by Trademark Rule 2.119(a). Any future submission that does not include proof of service may be denied consideration.

All submissions filed in Board inter partes proceedings must be served upon the other party or parties, and 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. *See* Trademark Rule 2.119(a); TBMP § 113.03. 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, and address or email address of opposing counsel or party).

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

The Board has made no determination regarding the substantive sufficiency of the answer or whether it complies with Fed. R. Civ. P. 8(b) and Trademark Rule 2.106(b)(2)/2.114(b)(2). Applicant/Respondent should check what was filed to assure that the answer meets the requirements of these authorities. *See* TBMP § 311.02.

At the following link to TTABVue, the parties may view all submissions in this proceeding: <https://ttabvue.uspto.gov>.

Conferencing, disclosure, discovery and testimony dates remain as previously set forth in the Board's order dated April 14, 2022.

Generally, the Federal Rules of Evidence, Federal Rules of Civil Procedure and Trademark Rules of Practice 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, matters in evidence, the manner and timing of taking testimony, 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

Cancellation No. 92079507

scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

It is the responsibility of each party to ensure that at all times the Board has the party's current correspondence address, including an email address. TBMP § 117.07.