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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76293326
Applicant	Prema Jyothi Light
Applied for Mark	SHIMMERING BALLERINAS & DANCERS
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Submission	RESPONSE TO ORDER & REQUEST FOR STAY IN PROCEEDINGS
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Date	03/04/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING BALLERINAS & DANCERS

SERIAL NUMBERS: 76293326

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EXAMINING ATTORNEY: Paul F. Gast, Esq., Law Office 106

**RESPONSE TO TTAB ORDER DATED March 2, 2011
& REQUEST FOR STAY IN THE PROCEEDINGS**

RESPONSE TO TTAB ORDER DATED March 2, 2011

In response to TTAB Order dated March 2, 2011, which I have just received, the TTAB seems to have overlooked something, or perhaps a filing is missing from your paper files.

However, all the same requests have been submitted simultaneously for both SHIMMERING RAINFOREST (App. No. 76293327) and SHIMMERING BALLERINAS & DANCERS (App. No. 76293326). Please look online and compare the Prosecution Histories. I just did, and all of the requests made by Applicant on behalf of SHIMMERING RAINFOREST (App. No. 76293327), have also been made on behalf of SHIMMERING BALLERINAS & DANCERS (App. No. 76293326) simultaneously, on the same dates. No request has been omitted, or has failed to be filed, on behalf of SHIMMERING BALLERINAS & DANCERS (App. No. 76293326), which has been made on behalf of SHIMMERING RAINFOREST (App. No. 76293327), including the alternative claim of acquired distinctiveness.

If anything has been left out of your paper files at the PTO, this would be a clerical error on the part of PTO employees. Please kindly review this.

The claim of acquired distinctiveness for SHIMMERING BALLERINAS & DANCERS was made in Applicant's Request for Reconsideration made to the Examining Attorney on 12-15-09, via TEAS, and also in her Request for Remand to the TTAB on February 8, 2010, ESTTA Tracking No. 331045, as well as the Request for Remand submitted to the TTAB on January 9, 2011, ESTTA Tracking No. 387602.

As Applicant, I am grateful for the extension of time given in TTAB Order dated March 2, 2011. Thank you! However, due to the emergency circumstances set forth below, all of my belongings are being packed up for an imminent emergency move out-of-state. Thus, I am requesting a Stay in the Proceedings. Please review the circumstances, as follows.

REQUEST FOR STAY IN THE PROCEEDINGS

As Applicant, I hereby request a Stay in the Proceedings before the Board, for the following reasons. My failure to submit the necessary specimens on time has been due to death threats I have received from some of the people who have been plagiarizing my creative works.

All PTO and TTAB filings become public record and are published on the PTO website. Some of the people who have been plagiarizing my work have been intently following my case online, and have been using PTO publication online of the case records and filings, to steal the works illustrated in the specimens and Trademark drawing pages attached to the filings!

My life has now been threatened if further documents go up online, on the PTO website case records. They are trying to intimidate me into dropping my TTAB cases.

Please try to understand what has been happening here. I am a peaceful, honest and creative artist and writer. The people on this vendetta against me are dishonest and violent. I myself have been completely peaceful and completely nonviolent in thought, word and deed, in spite of completely false accusations against me. I have remained in complete accord with my beloved Sri Gurudev Swami Satchidanandaji Maharaj's teachings of *ahimsa* (nonviolence). I am decent, good, spiritual and nice, and deeply believe in God.

But, I am living in a rough neighborhood, in the north Denver metropolitan area.

As an artist and writer, I have a multi-racial cast of characters -- white, black, Asian, latino/latina, Scottish, Irish, Italian, Indian, and others. I have created these characters out of sympathy for others, to help promote understanding and goodwill among people of different races and religions. I have actively done this to portray them as getting along peacefully and happily with one another, in hopes of encouraging understanding among people of differing races and religions. I also hope this will help further the idealistic goals of peace on earth. This includes not only international peace, but also urban peace in our cities, right here in the USA.

But, I never dreamed, for example, that latinas and latinos in the neighborhood I was moving into, would victimize me just for having latina/latino characters. When my latina and latino neighbors heard that I had created some Spanish American illustrated characters, they therefore wanted to steal them! How totally odd! Their view, as conveyed to me, was that "she has no right to have latino or latina characters because she is not a latina. So we will just take these off her hands, and make some money off them ourselves." I am sorry to hear this. I am sure they do not represent latinas and latinos everywhere.

But, they now want to injure or kill me, to protect their theft of these creative works and prevent any loss of hoped-for future income from their theft. I hear that they have been stealing my characters name for name, and image for image, straight from the PTO website and copies of my booklets, which they have obtained.

I am truly sorry that this is happening. I love the Spanish language, and fulfilled my university language requirements in Spanish for my college degree. My Spanish-American characters are beautiful, colorful, wonderful, and kindly intended. Who would have thought that this would cause cruel theft by others, instead of appreciation, followed by threats to my safety?

There is also an organized group of people here in Aurora, Colorado, who call themselves Christians, but who have been shockingly dishonest. I hear that they have gone to the extreme of taking all of the characters listed in my Trademarks, and passing them out to members of their group, with the specific instructions to plagiarize each character, each image and design, dot for dot, for the deliberate and specific purpose of destroying my career and reputation.

They are doing this on the misguided beliefs, which they have circulated among my neighbors, that I am a “Satanist”, which is totally untrue, and that they have been “given a mission by spirits to drive the Satanist down”, which is not only highly weird, and founded in lies, but also completely illegal. These are people with some kind of deception happening in their spiritual lives.

This is all very distressing, completely unethical, and completely illegal. And, though these are not legal citations under U.S. law, this is not at all even in accord with the Bible. If they claim to be Christians, they should not disregard the Ten Commandments, such as “Thou shalt not steal,” “Thou shalt not bear false witness against thy neighbor,” and “Thou shalt not kill,” or the beautiful Golden Rule, “Do unto others as you would have them do unto you.”

There is no justification for what they have been doing at all, here in the United States of America. And, unfortunately, these are not the only individuals or groups who have been deliberately plagiarizing my popular works. The plagiarism has been accompanied by wrongful slander, libel, and defamation of character.

Religious prejudice seems to be the basis for some of this. I follow a beautiful Guru from India, Sri Swami Satchidanandaji Maharaj. My name, Prema Jyothi, which I received from my Guru, means Divine Love and Light. However, these people are determined to falsely try to label me “a Satanist” for following my beautiful, beloved and saintly Guru. This is wrongful slander.

They have invented completely fictitious stories about me and circulated them, such as “she is a Satanist who tortures children,” just to turn others against me. This is complete malarkey! I love children and have never harmed any child. Many of my books are children’s storybooks, designed to delight children. All such slander is completely untrue. My beautiful Guru deeply believes in God and so do I. I have been a faithful follower of his for almost thirty-five years. I grew up Jewish and have always had a sunny faith in God.

The desire for wrongful monetary gain, on the part of those plagiarizing my work, is no doubt a factor in the situations.

It is one thing for the plagiarizers to be actively trying to destroy another person's work and career. However, they have also gone to the additional extreme of threatening to take my life if I continue to pursue my cases with the TTAB, which they have been following online.

I hear that they have also written "poison pen" letters to the Aurora police chiefs about me, to attempt to get me arrested for things I have never said or done, just to try to keep me from being able to legally challenge their theft of my works in a peaceful court of law!

Sorrowfully, there are also some other people who claim to be followers of my beloved Guru, and also claim to be Christians, who are plundering my work as well. I am truly sorry to hear of this. It is totally wrong for them to do this also. It is clearly not in accord with my Guru's teachings. He would completely disapprove of what they have done to me.

I believe in truth and justice, but through peaceful means, including due process through PTO and TTAB proceedings, and due process in the courts. I have never harmed or threatened to harm anyone. However, I wish to live to do whatever litigation may be needed! So, I need to move to a safer place, in order to continue with TTAB proceedings in the present cases.

I do not wish to drop these TTAB proceedings and let these people trample all over my Trademarks and the beautiful creative works which I have been doing, with loving care, for decades of my life. It is a very wrongful and unethical thing for them to deliberately try to destroy someone else's lifework, snatching it for themselves for wrongful monetary gain. This is completely wrong and unfair in every way, under God. It is against the teachings of the blessed Jesus, and against the teachings of my beloved Sri Gurudev.

But I have been told that my life is at risk if I try to continue with my Trademark cases, even in accord with due process in TTAB proceedings, which are published online.

I have been told that these people will continue to try to steal every one of my characters and every one of my images that goes up on the PTO website, and now they are threatening to take my life as well, to protect their deliberate theft of my creative works.

So, I have realized that an emergency out-of-state move is needed, before any more specimens of my creative work go up online, on the PTO website, as part of publicly available records in my Trademark cases.

I did not immediately contact the TTAB about this, because the TTAB indicated, in its Order dated 11-09-10, that no further extensions would be given. But, if I send in the needed specimens for my case, and these go up on the PTO website, my life would be in immediate danger, if I continue living here.

I didn't realize, when I first moved into Aurora, Colorado, that I was moving into such a rough neighborhood. Only my humble finances and medical condition have prevented me from moving out of this neighborhood earlier. There is now an immediate need for me to get completely out of this vicinity, for my safety's sake.

So the reasons for my delay in sending in the needed specimens are not frivolous and are not due to inattention on my part. I do have the specimens and would love to send them in for your review! They are beautiful and convincing! But, I would also like to remain alive, following my submissions to you, as well!

If I submit the specimens to you now, but I am murdered as a result, this would not be a favorable outcome of my TTAB appeal, in my humble opinion!

Of further concern in the present cases, I have been told that some of the offending people, here in Colorado, have bragged that they have contacts “inside the PTO” who will remove lines of character names from my in-use Trademarks, at their request, on the specimens about to be submitted via ESTTA, before the Trademark specimens can reach the TTAB Judges! I wish to alert the Judges to this!

This would be a highly unethical and illegal thing for any PTO employees to do, as this would be aiding and abetting theft of intellectual property, the exact opposite of what the PTO is missioned to do, and a huge breach of the public trust. I sincerely hope that these rumors are not true. If they do this, it would be just cause for dismissal from their positions.

If PTO or TTAB clerks or paralegals dishonestly alter an Applicant’s paperwork or Trademarks in any way, so that the Judges or Examining Attorneys do not receive the accurate documents as filed by the Applicant, then they would be guilty of being dishonest with their own Judges and Examining Attorneys, as well as being dishonest with the Applicant. This should not be acceptable to the Judges, Examining Attorneys, courts or the public!

All paperwork should be handled honestly, by all persons in positions of trust within the PTO and TTAB. The Judges deserve to receive the accurate paperwork.

I believe in God, believe that ultimately truth and justice prevail in the universe, and should prevail even in these TTAB proceedings. But peaceful due process needs to be able to take place. So I am packing up for an emergency move out-of-state as soon as possible, possibly an interim move, on the way to relocating to the east coast.

WHEREFORE, as Appellant in this case, I respectfully request a Stay in these proceedings so that I can safely continue to prosecute these Trademark cases with the PTO and TTAB, peacefully and in accord with all known laws, and PTO and TTAB procedures.

I am making every effort to locate affordable housing out-of-state and move promptly. However, I do not know how long it will take to locate suitable -- and safe -- housing, and relocate, hopefully to the east coast, or an emergency interim move first, as my finances are very humble and I am still on crutches. My injuries include an injured wrist, neck and back, as well as two injured feet, so the physical aspects of the moving an entire household are, to say the least, challenging.

Therefore I respectfully request a stay in these proceedings of six months from the date of this filing.

Please understand that this personal crisis is not my fault, but solely due to the wrongdoing and threats of others. If I do not completely relocate out-of-state, my safety and life, as well as my Trademarks, are at risk.

My life has been threatened if further documents even go up online, on the PTO website case records. The more violent plagiarizers want me to drop these TTAB cases now, and just let them have whatever they have stolen of my works.

This is a serious life-or-death situation. I believe the federal courts would judge this to be a valid basis for this Request for Stay in these proceedings by a *pro se* litigant who must be able to represent herself in the TTAB proceedings.

I am sincerely and deeply interested in moving my TTAB cases forward, but hopefully without being killed in the process! I am hoping that my case can succeed, without anyone having to say that “the operation was a success but the patient died!” This is why the filing of my specimens has to wait until I have relocated to a safer place, hopefully on the east coast. At this writing, my right wrist is injured and both feet are in braces.

These Trademark cases have been ongoing for ten years. Please do not just throw them out due to the wrongful threats and actions of these distressingly unethical people.

Your kind assistance in granting the requested Stay would be deeply appreciated, and would probably save my life.

Dated: March 4, 2010

Very respectfully submitted,

/ Prema Jyothi Light /

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