

ESTTA Tracking number: **ESTTA412853**

Filing date: **06/06/2011**

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	REQUEST FOR CORRECTION OF TMEP VIOLATIONS BY USPTO EMPLOYEES' UNAUTHORIZED DELETION OF ONLINE TTABVUE RECORDS
Attachments	SHBD REQUEST4CORRECTION TMEP VIOLATIONS.pdf ( 3 pages )(13371 bytes )
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Date	06/06/2011

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NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING BALLERINAS & DANCERS

SERIAL NUMBERS: 76293326

FILING DATE OF APPLICATIONS: First filed: July 9, 2001  
Later refiled: July 31, 2001

DATE OF THIS DOCUMENT: June 6, 2011

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

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**REQUEST FOR CORRECTION OF TMEP VIOLATIONS BY USPTO EMPLOYEES’  
UNAUTHORIZED DELETION OF THE ONLINE TTABVUE RECORDS  
FOR SHIMMERING BALLERINAS & DANCERS**

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**1. THE ONLINE RECORDS FOR BOTH OF MY TRADEMARK CASES HAVE  
DISAPPEARED FROM TTABVUE. WHY IS THIS?**

It seems as if this could be evidence of mishandling of my case files from within the USPTO. If someone were merely trying to protect me, they would have tried to do this legally, in accord with all provisions of the TMEP, but there is no request for judicial intervention authorizing this, and I have never even been consulted about it.

And, since some of the plagiarizers have been bragging that they now “have someone on the inside at the PTO” who is willing to tamper with my filings and the specimens I had hoped to submit, I have to wonder if the disappearance of all my case files from TTABVUE is a result of either deliberate tampering or intent to tamper with the files for my Trademark cases!

The only exception to the disappeared case files is a single document, the TTAB ORDER dated March 4, 2011, which is present as a document with all of its text visible, in the TTABVUE case files for SHIMMERING BALLERINAS & DANCERS.

All of the other case documents, for both SHIMMERING BALLERINAS & DANCERS, and SHIMMERING RAINFOREST, now just have a blank page with the line, “There is no image for this record,” in TTABVUE, for every document, including all filings, incoming correspondence, and TTAB Orders. A Prosecution History lists case documents, but clicking on any of them, to view them, brings up only the line, “There is no image for this record.”

If I am not able to see my filings online, I would have no idea if “someone on the inside at the PTO” were tampering with my filings in some way. I need to be able to verify, by checking in TTABVUE, whether the documents on file for my cases are the same as what I have submitted via ESTTA, or if there has been any mishandling of my documents, or even worse, any deliberate dishonesty or tampering taking place on the part of USPTO staff members with regard to my case documents.

For example, there is the recent allegation that the pdf for the REQUEST FOR RECONSIDERATION for SHIMMERING BALLERINAS & DANCERS was not attached to the filing dated December 15, 2009. This allegation came to Applicant’s attention for the first time on March 2, 2011, by way of the TTAB ORDER dated March 2, 2011, over 14 months after the original filing took place. Applicant had received confirmation during the filing process on December 15, 2009, that the pdf had been successfully attached. And, the pdf was responded to by the Examining Attorney on January 28, 2010. So when did this pdf disappear from the USPTO case files, and online case files, for this case? And why?

(This issue is dealt with in a separate document being filed today in this case, titled “APPLICANT RESPECTFULLY DISPUTES THE ALLEGATION THAT THE PDF FOR THE REQUEST FOR RECONSIDERATION WAS NOT ATTACHED TO THE FILING DATED DECEMBER 15, 2011 FOR THE TRADEMARK SHIMMERING BALLERINAS & DANCERS; HOWEVER, THE (REFILED) REQUEST FOR RECONSIDERATION IS BEING REFILED TODAY IN RESPONSE TO THE TTAB ORDER DATED MARCH 4, 2011.”)

2. **REMOVAL OF THE CASE DOCUMENTS FROM TTABVUE ACTUALLY VIOLATES FOUR SECTIONS OF THE TMEP: §§ 108.03, 109, 109.01 AND 109.03, AS WELL AS FEDERAL LAW.** These sections of the TMEP provide as follows:

- 1) TMEP § 108.03, Due Diligence: Duty to Monitor Status, provides that “Trademark applicants and registrants should monitor the status of their applications or registrations in cases where a notice or action from the USPTO is expected.” This is expressed as a “duty” of the applicant.
- 2) TMEP § 109, referencing federal law 18 USC § 2071, provides serious penalties for anyone working for the PTO who deliberately “willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so” to any paper or document filed with the PTO. It is highly illegal for any employees of the USPTO to do this.
- 3) TMEP § 109.1, Electronic Image Files, provides that TDR and TTABVUE are available 24 hours a day, seven days a week, for public inspection.
- 4) TMEP § 109.03 also provides for public access to Trademark documents via TDR, TTABVUE, TARR & TESS.

3. **THEREFORE, APPLICANT HEREBY REQUESTS THAT THE USPTO COME INTO COMPLIANCE WITH THESE SECTIONS OF THE TMEP, AND**

**PUBLISH THE FILINGS AND CASE DOCUMENTS ONLINE SO THAT SHE CAN COMPARE WHAT IS ON FILE WITH WHAT SHE HAS SUBMITTED, ON AN ONGOING BASIS, AND CALL ANY DISCREPANCIES TO THE TTAB JUDGES' ATTENTION.**

Who is responsible for the recent removal of all of Applicant's case documents from the public records? Is this someone at a lower level than the TTAB Judges? It is unlikely that TTAB judges would order a violation of the above sections of the TMEP, and no such order appears to be on the records (though it is hard to tell since the images of all the records have been removed).

The whole illegal situation is in immediate need of prompt attention and correction.

**4. THIS DOCUMENT IS BEING FILED VIA ESTTA, SIMULTANEOUSLY WITH THREE OTHER DOCUMENTS FOR SHIMMERING BALLERINAS & DANCERS.** These documents are:

- 1) RESPONSE TO TTAB ORDER DATED MARCH 4, 2011, & REQUEST FOR FURTHER STAY IN THE PROCEEDINGS FOR SHIMMERING BALLERINAS & DANCERS, DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND APPLICANT'S CONTROL;
- 2) APPLICANT RESPECTFULLY DISPUTES THE ALLEGATION THAT THE PDF FOR THE REQUEST FOR RECONSIDERATION WAS NOT ATTACHED TO THE FILING DATED DECEMBER 15, 2011 FOR SHIMMERING BALLERINAS & DANCERS; HOWEVER, THE (REFILED) REQUEST FOR RECONSIDERATION IS BEING TIMELY REFILED TODAY IN RESPONSE TO THE TTAB ORDERS DATED MARCH 2, 2011 & MARCH 4, 2011;
- 3) (RE-FILED) REQUEST FOR RECONSIDERATION FOR THE TRADEMARK SHIMMERING BALLERINAS & DANCERS, IN RESPONSE TO TTAB ORDERS DATED MARCH 2, 2011 & MARCH 4, 2011.

Please note that all of the pdf's for these documents are being carefully attached to their respective filings. Each stage of each filing is being image-captured by Applicant to document the step-by-step process for completing each ESTTA filing, including the successful attachment of any pdf's referenced in each filing. These image-captures can serve as evidence of the successful attachment of the pdf's in case of any future disputes in this regard.

Dated: Monday, June 6, 2011

Very respectfully submitted,

/ Prema Jyothi Light /

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