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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	76293326 MOTION FOR CORRECTIONS TO THE RECORD
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Signature	/ prema jyothi light /
Date	10/08/2013

**In The United States Patent & Trademark Office
Before the Trademark Trial & Appeal Board**

NAME OF APPLICANT: Prema Jyothi Light
NAME OF TRADEMARK: SHIMMERING BALLERINAS & DANCERS
SERIAL NUMBER: 76293326
FILING DATE: First filed July 9, 2001, later refiled July 31, 2001
DATE OF THIS DOCUMENT: September 21, 2013
EXAMINING ATTORNEY: Linda Lavache, Esq., Law Office 106

MOTION FOR CORRECTIONS TO THE RECORD

I. Introduction.

On page 1 of the APPEAL BRIEF, under the heading DESCRIPTION OF THE RECORD, Applicant stated that this case was being submitted on the Record which is on file with the USPTO.

However, Applicant Light has discovered at least FIFTY-TWO (52) serious Document Mishandling Incidents with regard to the online Record for this case, and FIFTY (50) serious Document Mishandling Incidents with regard to the Record for SHIMMERING RAINFOREST, for a total of ONE HUNDRED & TWO (102) such Incidents for the two cases combined.

She therefore formally moves for the following specific Corrections to the Record. This is necessary so that the Judges can properly evaluate this case, and is also needed for the sake of the accuracy, truthfulness and completeness of the Documents on Record. There has been some flagrant mishandling of documents in this case by USPTO staff, especially in the handling of Specimens and attachments to documents. This all needs to be set straight as promptly as possible. TTAB Judges are asked to review the following Document Mishandling Incidents, and make Corrections to the Record accordingly.

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III. Supporting PDFs List

(Normally, these would be attached to this MOTION for online filing with the TTAB.

But, given the document handling history herein, which includes egregious Document Mishandling, these are being separately filed so that each PDF has a separate document tracking number and receipt.)

Pdf # 01: Complete “Triple-Shimmering Playbook”, bumper to bumper, in one PDF, including:

- 1) The color Cover Sheet for Specimen #5 on letterhead, as shown in TSDR Documents # 021, currently dated 02-10-04 in the TSDR Online Records, as filed with the attached Playbook Specimen on July 9, 2001, and refiled with the same attached Specimen on July 31, 2001;
- 2) The color Covers of the Playbook, with USPTO stickers on them, for all three Trademarks (SHIMMERING RAINFOREST, SHIMMERING BALLERINAS & DANCERS, and SHIMMERING BREEZES);
- 3) The Title Page and page on the other side of the Title Page, as shown in TSDR Document # 021, currently dated 02-10-04 in the TSDR Online Records;
- 4) The entire 97 pages of the Playbook, in color [this page count includes two introductory pages];
- 5) This includes pages 01 through 83, as shown in as shown in TSDR Document # 021, currently dated 02-10-04 in the TSDR Online Records; and
- 6) The TWELVE (12) PAGES ditched from the color scans dated 02-10-04 for SHIMMERING RAINFOREST, and the FIFTEEN (15) pages ditched from the color scans dated 02-10-04 for SHIMMERING BALLERINAS & DANCERS (see Document Mishandling Incident # 18). Many of these ditched pages were in the Playbook color scans dated 02-10-04, in the Records for SHIMMERING BREEZES, Serial Number 76293325, TSDR Document #022, which only had FOUR (4) ditched pages (pages 48, 49, 68, & 69) (the same Playbook, containing all the pages, was filed as a Specimen, at the same time on the same days, for all three Trademarks).

This Playbook Specimen needs to be all together, in one PDF, in the earlier, as well as later, case Records.

Pdf # 02: The REQUEST FOR EXTENSION OF TIME, attached to Plaintiff’s “Voluntary Amendment”, TSDR Document # 073, titled by USPTO staff as “Preliminary Amendment”, dated 05-29-12. This attached PDF was ditched by USPTO staff. (See Document Mishandling Incident # 037). This should be reinstated to the Record.

PDF # 03: The color letterhead Cover Sheet for Specimen #1, filed as a paper document but ditched from the online Records (See Document Mishandling Incident # 011). This should be reinstated to the Record.

Pdf # 04: The REQUEST FOR RECONSIDERATION, which definitely WAS ATTACHED to Applicant’s filing on 12-15-09, which currently stands as TSDR Document # 049. This document was later ditched by someone on the USPTO staff, who was trying to cause a problem for the case. They tinkered with the online Records to make it look as if it had never been received -- AFTER IT HAD BEEN RESPONDED TO BY THE EXAMINING ATTORNEY. (See Document Mishandling Incident # 31.) This should be reinstated to the Record.

IV. How TSDR & TTAB Documents are numbered in this MOTION.

The case documents on TSDR used to be numbered from the beginning forward, but now are numbered from the most recent back, so that the document numbers are continually changing every time a new document is added. This makes it hard to properly refer to them.

For the sake of simplicity and constancy, all document numbers in this MOTION are numbered from the beginning, or earliest date, forward chronologically. That is, the first Document listed in TSDR online for the case is referred to herein as TSDR Document #001, and the 20th document from the beginning is referred to herein as TSDR Document #020. These Documents in TSDR also have dates associated with them.

For added clarity, the Current TSDR and TTAB Directories have been included in this MOTION. In the TSDR Directory, the Document numbers, as referred to in this MOTION, have been added to the left of each Document.

In the TTAB Directory, each Document is already numbered from the beginning forward.

This way, the Judges and others can easily locate any Documents referred to in this MOTION, even if Documents are added later, or corrections are made to the Records, as requested in this MOTION.

The Current TSDR Directory of Documents and the Current TTAB Directory of Documents, are hereby included for your reference, as follows.

V. Current TSDR Directory of Documents
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An Agency of the Department of Commerce

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Trademark Status & Document Retrieval (TSDR)

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Trademark Documents Expand All

Select All <input type="checkbox"/>	Create/Mail Date	Document Description	Document Type
TSDR Doc. 016	Feb. 07, 2004	E-Mail Incoming	TIFF
TSDR Doc. 015	Aug. 08, 2003	Offc Action Outgoing	TIFF
TSDR Doc. 014	Aug. 06, 2003	Offc Action Outgoing	XML
TSDR Doc. 013	Mar. 07, 2003	E-Mail Incoming	MULTI
TSDR Doc. 012	Mar. 07, 2003	E-Mail Incoming	MULTI
TSDR Doc. 011	Mar. 06, 2003	E-Mail Incoming	TIFF
TSDR Doc. 010	Dec. 05, 2002	Paper Correspondence Incoming	TIFF
TSDR Doc. 009	Dec. 05, 2002	Paper Correspondence Incoming	TIFF
TSDR Doc. 008	Jun. 26, 2002	Priority Action	TIFF
TSDR Doc. 007	Jun. 11, 2002	XSearch Search Summary	TIFF
TSDR Doc. 006	Jul. 31, 2001	Duplicate Application	TIFF
TSDR Doc. 005	Jul. 31, 2001	Duplicate Drawing	TIFF
TSDR Doc. 004	Jul. 09, 2001	Application	TIFF
TSDR Doc. 003	Jul. 09, 2001	Drawing	MULTI
TSDR Doc. 002	Jul. 09, 2001	Drawing Original Restored	JPEG
TSDR Doc. 001	Jul. 09, 2001	Specimen	TIFF

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TSDR Doc. 052	Dec. 15, 2009	Change of Address	XML
TSDR Doc. 051	Dec. 15, 2009	Change of Address	XML
TSDR Doc. 050	Dec. 15, 2009	Teas Change of Owner Address	XML
TSDR Doc. 049	Dec. 15, 2009	TEAS Request Reconsideration after FOA	XML
TSDR Doc. 048	Jun. 15, 2009	Offc Action Outgoing	XML
TSDR Doc. 047	Mar. 13, 2009	Amendment and Mail Process Complete	MULTI
TSDR Doc. 046	Mar. 12, 2009	Notice Of Revive Application	XML
TSDR Doc. 045	Mar. 12, 2009	TEAS Petition to Revive Abandon Applic	MULTI
TSDR Doc. 044	Feb. 19, 2009	Change of Address	XML
TSDR Doc. 043	Jan. 12, 2009	Notation to File	XML
TSDR Doc. 042	Jan. 12, 2009	Offc Action Outgoing	XML
TSDR Doc. 041	Dec. 18, 2008	Amendment and Mail Process Complete	MULTI
TSDR Doc. 040	Dec. 16, 2008	Response to Office Action	MULTI
TSDR Doc. 039	Dec. 16, 2008	Specimen	JPEG
TSDR Doc. 038	Dec. 09, 2008	Change of Address	XML
TSDR Doc. 037	Jun. 14, 2008	Offc Action Outgoing	XML
TSDR Doc. 036	Jun. 12, 2008	Change of Address	XML
TSDR Doc. 035	Jun. 12, 2008	Teas Change of Owner Address	XML
TSDR Doc. 034	Jan. 14, 2008	Offc Action Outgoing	XML
TSDR Doc. 033	Mar. 13, 2006	XSearch Search Summary	XML
TSDR Doc. 032	Mar. 09, 2006	Notice Of Revive Application	XML
TSDR Doc. 031	Mar. 08, 2006	Fax Incoming	TIFF
TSDR Doc. 030	Feb. 09, 2006	Petition to Revive Notice of Deficiency	XML
TSDR Doc. 029	Jan. 26, 2006	Fax Incoming	TIFF
TSDR Doc. 028	Dec. 29, 2005	Petition to Revive Notice of Deficiency	XML
TSDR Doc. 027	Sep. 23, 2005	Paper Correspondence Incoming	TIFF
TSDR Doc. 026	Jan. 19, 2005	Offc Action Outgoing	XML
TSDR Doc. 025	Oct. 01, 2004	Change of Address	TIFF
TSDR Doc. 024	Oct. 01, 2004	Response to Office Action	XML
TSDR Doc. 023	Jul. 31, 2004	Examiners Amendment	XML
TSDR Doc. 022	Feb. 10, 2004	File Jacket	JPEG
TSDR Doc. 021	Feb. 10, 2004	Specimen	JPEG
TSDR Doc. 020	Feb. 10, 2004	Specimen	JPEG
TSDR Doc. 019	Feb. 10, 2004	Specimen	JPEG
TSDR Doc. 018	Feb. 09, 2004	E-Mail Incoming	MULTI
TSDR Doc. 017	Feb. 07, 2004	Amended Drawing	TIFF

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TSDR Doc. 084	Feb. 06, 2013	Specimen	JPEG
TSDR Doc. 083	Feb. 06, 2013	Specimen	JPEG
TSDR Doc. 082	Feb. 05, 2013	Amendment and Mail Process Complete	MULTI
TSDR Doc. 081	Feb. 01, 2013	Notice Of Revive Application	XML
TSDR Doc. 080	Jan. 28, 2013	Amended Drawing	JPEG
TSDR Doc. 079	Jan. 28, 2013	TEAS Petition to Revive Abandon Applic	MULTI
TSDR Doc. 078	Nov. 28, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 077	Nov. 28, 2012	Offc Action Outgoing	XML
TSDR Doc. 076	Nov. 27, 2012	Response to Office Action	MULTI
TSDR Doc. 075	Jun. 12, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 074	Jun. 11, 2012	Offc Action Outgoing	XML
TSDR Doc. 073	May 29, 2012	Preliminary Amendment	XML
TSDR Doc. 072	May 26, 2012	Offc Action Outgoing	MULTI
TSDR Doc. 071	May 01, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 070	Apr. 28, 2012	Notation to File	XML
TSDR Doc. 069	Apr. 27, 2012	Notation to File	XML
TSDR Doc. 068	Apr. 25, 2012	Preliminary Amendment	MULTI
TSDR Doc. 067	Apr. 17, 2012	Amended Drawing	JPEG
TSDR Doc. 066	Apr. 17, 2012	Paper Correspondence Incoming	JPEG
TSDR Doc. 065	Mar. 30, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 064	Mar. 29, 2012	Response to Office Action	MULTI
TSDR Doc. 063	Sep. 29, 2011	Offc Action Outgoing	XML
TSDR Doc. 062	Sep. 20, 2011	Change of Address	XML
TSDR Doc. 061	Sep. 08, 2011	Change of Address	XML
TSDR Doc. 060	Sep. 07, 2011	Change of Address	XML
TSDR Doc. 059	Aug. 25, 2011	Change of Address	XML
TSDR Doc. 058	Aug. 25, 2011	Change of Address	XML
TSDR Doc. 057	Aug. 25, 2011	Teas Change of Owner Address	XML
TSDR Doc. 056	Jun. 09, 2011	Change of Address	XML
TSDR Doc. 055	Sep. 27, 2010	Change of Address	XML
TSDR Doc. 058	Aug. 25, 2011	Change of Address	XML
TSDR Doc. 057	Aug. 25, 2011	Teas Change of Owner Address	XML
TSDR Doc. 056	Jun. 09, 2011	Change of Address	XML
TSDR Doc. 055	Sep. 27, 2010	Change of Address	XML
TSDR Doc. 054	Jan. 28, 2010	Reconsideration Letter	XML
TSDR Doc. 053	Dec. 17, 2009	Amendment and Mail Process Complete	MULTI

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TSDR Doc. 089	Mar. 09, 2013	Offc Action Outgoing	XML
TSDR Doc. 088	Mar. 09, 2013	XSearch Search Summary	XML
TSDR Doc. 087	Feb. 08, 2013	Amendment and Mail Process Complete	MULTI
TSDR Doc. 086	Feb. 06, 2013	Preliminary Amendment	MULTI
TSDR Doc. 085	Feb. 06, 2013	Specimen	JPEG

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TTABVUE. Trademark Trial and Appeal Board Inquiry Systemv1.5

Exparte Appeal

Number: 76293326 **Filing Date:** 06/21/2013
Status: Pending **Status Date:** 03/21/2013

Plaintiff

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Serial #: [76293326](#) [Application File](#)

Application Status: Jurisdiction Restored to Examiner

Mark: SHIMMERING BALLERINAS & DANCERS

Prosecution History

#	Date	History Text
13	08/28/2006	PROCEEDINGS RESUMED
12	08/21/2006	APPLICANTS REQUEST TO EXTEND
11	08/09/2006	APPEAL FORWARDED TO EXAMINER FOR BRIEF
10	06/28/2006	APPLICANT`S COMMUNICATION
9	06/13/2006	RESPONSE DUE
8	05/30/2006	APPEAL BRIEF
7	03/24/2006	PROCEEDINGS RESUMED
6	03/09/2006	APPLICANT`S COMMUNICATION
5	11/25/2005	PETITION TO COMMISSIONER
4	09/23/2005	APPLICANT`S COMMUNICATION
3	11/28/2005	DELETE ENTRY
2	08/18/2005	APPEAL DSMSD; APPLICATION ABANDON
1	08/08/2005	APPEAL TO BOARD

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50	03/02/2011	RESPONSE DUE
49	01/10/2011	APPLICANT'S REQUEST FOR REMAND
48	11/09/2010	BRIEF DUE
47	09/27/2010	APPLICANTS REQUEST TO EXTEND
46	09/27/2010	CHANGE OF CORRESPONDENCE ADDRESS
45	07/06/2010	BRIEF DUE
44	06/21/2010	APPLICANTS REQUEST TO EXTEND
43	02/24/2010	BRIEF DUE
42	02/11/2010	REMANDED TO EXAMINER
41	02/08/2010	APPLICANT'S REQUEST FOR REMAND
40	02/08/2010	APPLICANT'S REQUEST FOR REMAND
39	01/07/2010	REMANDED TO EXAMINER
38	12/15/2009	APPEAL TO BOARD
37	12/15/2009	CHANGE OF CORRESPONDENCE ADDRESS
36	01/12/2009	TERMINATED
35	06/10/2008	CHANGE OF CORRESPONDENCE ADDRESS
34	05/16/2008	REMANDED TO EXAMINER
33	04/04/2008	SUBMITTED ON BRIEF
32	02/15/2008	MEMO FORWARDING REPLY BRIEF
31	02/15/2008	BOARD`S ORDER
30	02/05/2008	REPLY BRIEF
29	01/14/2008	EXAMINER'S STATEMENT
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26	11/16/2007	APPEAL FORWARDED TO EXAMINER FOR BRIEF
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23	08/09/2007	APPLICANTS REQUEST TO EXTEND
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20	05/31/2007	APPLICANTS REQUEST TO EXTEND
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18	04/13/2007	APPLICANTS REQUEST TO EXTEND
17	02/28/2007	RESPONSE DUE
16	02/26/2007	APPLICANTS REQUEST TO EXTEND
15	02/16/2007	RESPONSE DUE
14	02/06/2007	APPLICANTS REQUEST TO EXTEND

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95	09/06/2013	SUBMITTED ON BRIEF
94	08/23/2013	MEMO FORWARDING REPLY BRIEF
93	08/23/2013	REPLY BRIEF
92	08/05/2013	EXAMINER'S STATEMENT
91	06/22/2013	APPLICANT EXHIBITS
90	06/22/2013	APPLICANT EXHIBITS
89	06/22/2013	APPLICANT EXHIBITS
88	06/21/2013	APPLICANT EXHIBITS
87	06/21/2013	APPLICANT EXHIBITS
86	06/21/2013	APPLICANT EXHIBITS
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84	06/12/2013	APPLICANT EXHIBITS
83	06/12/2013	APPLICANT EXHIBITS
82	06/12/2013	APPLICANT EXHIBITS
81	06/12/2013	APPEAL FORWARDED TO EXAMINER FOR BRIEF
80	06/11/2013	APPLICANT EXHIBITS
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77	06/11/2013	APPLICANT EXHIBITS
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72	06/04/2013	APPEAL BRIEF
71	04/05/2013	PROCEEDINGS RESUMED
70	03/28/2013	APPLICANT REQ FOR REMAND
69	03/21/2013	PROCEEDINGS RESUMED
68	03/09/2013	RECON DENIED
67	11/28/2012	TERMINATED
66	08/25/2011	CHANGE OF CORRESPONDENCE ADDRESS
65	08/08/2011	REMANDED TO EXAMINER
64	07/26/2011	CHANGE OF CORRESPONDENCE ADDRESS
63	07/16/2011	CHANGE OF CORRESPONDENCE ADDRESS
62	07/06/2011	CHANGE OF CORRESPONDENCE ADDRESS
61	06/09/2011	CHANGE OF CORRESPONDENCE ADDRESS
60	06/08/2011	APPLICANT'S REQUEST FOR REMAND
59	06/08/2011	APPLICANT` S COMMUNICATION
58	06/07/2011	APPLICANT` S COMMUNICATION
57	06/06/2011	APPLICANT` S COMMUNICATION
56	06/06/2011	REOUEST FOR RECONSIDERATION

VII. SHIMMERING BALLERINAS & DANCERS and SHIMMERING RAINFOREST

are still separate Trademark cases.

The two related Trademarks, SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS, were consolidated by the TTAB simply for the purpose of moving the cases in tandem through the system, without widely varying due dates. However, they still remain separate Trademarks, and separate Trademark cases. Separate filing fees were paid for each Trademark. Therefore, Applicant is filing separate MOTIONS FOR CORRECTIONS TO THE RECORD for each of the two cases, as the two Trademarks are still different from each other, and registration is sought for each Trademark separately.

This MOTION FOR CORRECTIONS TO THE RECORD covers documents for the Trademark SHIMMERING BALLERINAS & DANCERS. A separate MOTION FOR CORRECTIONS TO THE RECORD is being concurrently filed for SHIMMERING RAINFOREST.

VIII. Possible Motives for Some of the Document Mishandling.

What possible motives could there be for so much Document Mishandling? What was done to the Specimens in this case gives rise to questions about motives which could involve the theft of intellectual properties.

Sometimes people who work in jewelry stores are tempted to swipe the jewelry which they are handling all the time. Similarly, people who often handle the creative works of others may be tempted to try to swipe them also. However, this is wrong, because it harms the people whom they are supposed to be serving, and it is the opposite of what they are supposed to be doing.

People working in the USPTO may be tempted to “steal” characters, ideas or illustrations for creative work they are doing “on the side”, or want to “give” these things as gifts to their friends to develop. Or, in their personal lives, they may know someone who is already plagiarizing another author or illustrator’s work.

They may therefore want to “throw” any upcoming legal cases into their friends’ laps, to their friends’ benefit, by damaging the source author or illustrator’s work or credibility in some way. Or, religious or racial prejudice could be a motive.

In the present case, Applicant Light has been the victim of a religious vendetta, because -- in addition to being Jewish -- she follows a fantastic Guru from India, the very beloved, very saintly, and very beautiful Sri Swami Satchidanandaji Maharaj. Religious prejudice has been one motive for the attempts by others in her area to threaten and harm her.

Some of her storybook characters are latino, and she has been the victim of some violence by latinos in her neighborhood who say she has “no right” to have latino characters if she is not a latina herself! And that they therefore have the “right” to snatch her latino characters for themselves.

They do not understand.

Ms. Light, in harmony with her beloved Guru’s teachings, has a multi-racial and multi-religious cast of storybook characters. She has been hoping to contribute to world peace and harmony, by showing all of these different characters getting along beautifully together.

Keep in mind that Applicant Light is an unrepresented, *pro se* applicant, and an author and illustrator, and may therefore seem more easily rip-off-able than a larger company or firm.

People turn to the USPTO to help them with Trademark protection for their creative works. It is very sad if people, working in positions of trust, who are supposed to be helping illustrators and writers protect their works, plunder them instead.

Take a look at the following instances of egregious Document Mishandling (more fully described in the following Incidents, but touched upon here):

Specimen #1 for this Trademark Application was filed as a paper Specimen, in person, at USPTO headquarters in Virginia. However, it was separated from its letterhead Cover Sheet, and uploaded as a third Specimen in TSDR Document # 001 for this case. The title of this Specimen was, “Jaha & Juma, The Shimmering

Wind-Harp Butterflies, Flutter off to Safety in a Shimmer of Sparkles”. However, it was badly blackened in the upload into TSDR by USPTO staff members, obliterating the faces of the butterflies entirely, and eliminating all of the “shimmer of sparkles.” Further, it was skewed, with the type made more blurry (it was crisp on the original), and the back page was done upside-down. This Specimen was filed as a paper Specimen, over the counter, in person, in full color (all sparkles visible).

Specimen #5 for this case, also was filed as a paper Specimen, over the counter, in person, in full color, and it was a 97-page book, including introductory pages. THIS ENTIRE SPECIMEN WAS COMPLETELY DITCHED, BY USPTO STAFF, from TSDR Document # 001, titled “Specimen”, # 004, titled “Application”, and # 006, titled “Duplicate Application”, or anywhere in the early online Records. Why?

The full-color Cover of this book portrayed a flock of Shimmering Wind-Harp Butterflies, which also appeared elsewhere in the book. So what happened here, with the Wind-Harp Butterflies being almost obliterated in the blackened upload, and ditched along with the entire “Triple-Shimmering Playbook” Specimen?

In fact, all of the Specimens submitted with the original and refiled Application were badly blackened or distorted in the upload by the USPTO staff, as shown in the Images further in this MOTION.

These Specimens reappeared in the Record for this case later, in TSDR Documents # 020 & # 021, in full color, probably at the instruction of Examining Attorney Gast, when he noticed that some of the Specimens were completely missing from the online Records, and that other Specimens had been very badly scanned into the Record. He had received all five Specimens from the beginning.

Ms. Light did not notice what was happening with the online TSDR Records for this case right away, as she was not regularly online herself at the time, or checking the online Records. She was filing everything with the USPTO as paper documents, and never even thought that anyone would be guilty of graft at the USPTO.

Like the person working in the jewelry store, who is slipping rings and bracelets into his pocket, someone in the USPTO may have tried to slip a few little Wind-Harp Butterflies into his or her pocket, but -- this is not at all fair, either to the poor little butterfly characters, or their mother, Applicant Light.

At the same time that this was going on with the SHIMMERING BALLERINAS & DANCERS Trademark Specimens, something similar was going on with the SHIMMERING RAINFOREST Specimens, with Specimens featuring the Wind-Harp Butterflies being blackened in the upload, by USPTO employees, other Specimens being blackened also, making the characters almost unrecognizable, and the Specimen Playbook for that Trademark completely ditched from the Record, also.

A fair question arises: was someone trying to eliminate or damage the portrayal of an applicant's story-book characters, in her Specimens, so there would not be a clear Record of these documents or images, on file with the USPTO?

So what happens when the people at the USPTO, a governmental agency, who are supposed to be protecting authors and illustrators, victimize them instead? Or try to harm authors or illustrators, instead of giving their Trademarks, applications, documents and images normal, decent handling? This would be serious wrongdoing on the part of these USPTO employees.

Some of this serious Document Mishandling may be motivated by a desire, of some people working inside the USPTO, to "steal" or take credit for someone else's creative works, possibly for monetary gain. This would be theft of intellectual property, or their part, while working for the main federal agency, in the blessed United States of America, responsible for granting Trademarks to help authors and illustrators defend against theft of intellectual property. This is the exact opposite of what these people are supposed to be doing.

IX. Categories of Document Mishandling which have occurred in this case.

The original documents and images submitted, as paper documents early in the case, followed by others submitted electronically, were all carefully and beautifully done – crisp, clear, readable, and with good color in the images. Yet these documents and images have been mangled, blackened, blurred, chopped up, pages have been removed from Specimens, attachments have been removed from filings, and entire documents have been

misplaced on the online Record, put under wrong dates, and even been completely ditched, by staff members at the USPTO.

Documents have been taken out of correct chronological sequence, by someone on the USPTO staff, and placed randomly out of order with incorrect dates. Documents from a later timeframe in the case have been thrown onto the beginning of the case Record, and mislabeled as if they were earlier documents.

Documents have been “converted” in a bad way, chopping them in half vertically and then swapping sides for the halves, which makes them completely unreadable. Then, the links for the original documents have been “broken” so that anyone consulting the Record cannot click on the original documents. Then neither the original pdfs nor the “converted” pages of the documents can be read by anyone wishing to review the case.

Documents on the Record have been mislabeled, so that someone searching for specific documents could not find them from the titles. In addition, clicking on some “titles” in the Record produces documents different than the titles indicate.

USPTO staff members have uploaded some documents into the system two or three times, when they were only filed once. Some versions of these multiple uploads were done in a truly terrible way by USPTO staff. Then, they have left all versions on the Record, with the obvious intention of deleting the better uploads later, and leaving the terrible, badly-done uploads on the Record, instead of the “better” ones.

The bad, wrongfully done uploads should be completely removed from the Record.

These bad uploads are simply a “record” of USPTO staff mishandling of case documents. There is no purpose to leaving them there, if the employees have no intentions of wrongfully tampering with the Records again later.

Specimens and Drawings have been buried in the Record, without titles, so that they are hard to find.

Documents which have been carefully and successfully attached to case documents electronically have been removed, with staff members later claiming that nothing was attached.

The system lets the Applicants know when documents have been successfully attached. It is a

breach of trust to “detach” documents which have been successfully attached, and later claim that they were not attached. Applicant Light now image-captures each and every step of every filing, with the USPTO.

After reviewing all of the mishandling listed in this MOTION, the TTAB Judges, and others in the legal community, are asked to evaluate the way these documents have been handled by USPTO staff. Is this kind of mishandling usual for the USPTO? Aren't standards for on-the-job performance higher than this? One somehow expects more from the United States Patent and Trademark Office. However, at least all of this mishandling should promptly be set straight.

This listing is not comprehensive -- there are other problems in the handling of documents on the Record. However, all of these listed Document Mishandling Incidents can be corrected, if the staff is so directed.

Why have USPTO staff members done these things? It may be that, in their personal lives, they want to develop some of the creative works that cross their desks, or throw some of these to friends of theirs outside of the USPTO. Or, they may happen to know some of the people who have been wrongfully plagiarizing this Applicant's creative works, and therefore want to “throw” the Applicant's Trademark cases, by mishandling case documents. None of this would be at all ethical. This would be a clear breach of trust on the job.

The TTAB is asked to review these Incidents, and direct the staff to correct all of these things promptly.

X. Each instance of Document Mishandling by the USPTO is numbered as an Incident.

There are a total of FIFTY-TWO (52) Incidents of Document Mishandling for the SHIMMERING BALLERINAS & DANCERS Trademark alone, listed in this MOTION FOR CORRECTIONS. In a separate MOTION, there are FIFTY (50) Incidents of mishandling listed for the Trademark SHIMMERING RAINFOREST. So, for the two Trademarks together, this is a cumulative total of ONE HUNDRED & TWO (102) Document Mishandling Incidents, by the USPTO, in a mere two Trademark cases.

If this normal for the USPTO, then you should probably fire everyone and re-staff from the ground up!

XI. Document Mishandling Incidents.

Incident # 01.

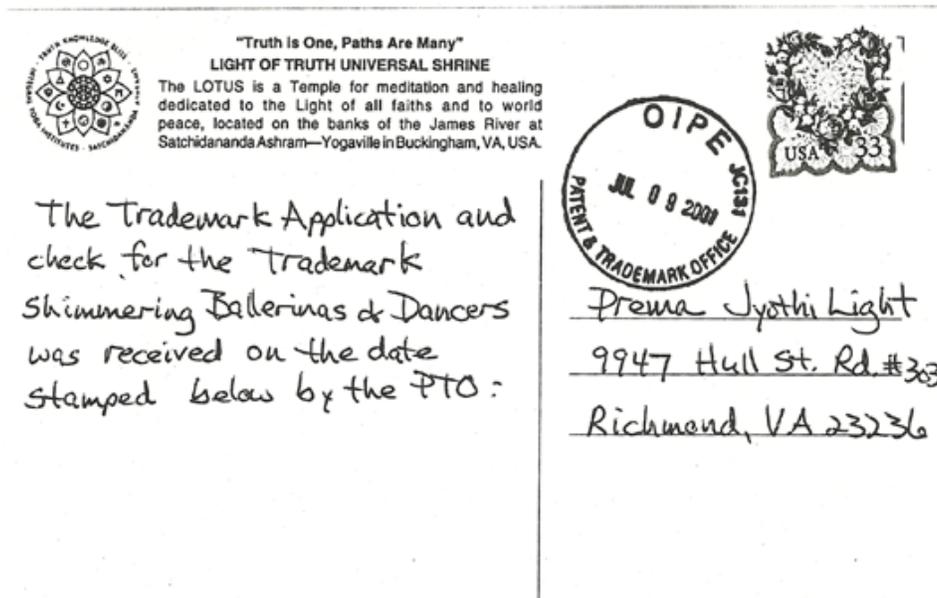
Applicant originally hand-delivered her Application, with Specimens, to the USPTO on July 9, 2001. She filed these as paper documents, making a 12-hour roundtrip drive from her residence in Virginia to the USPTO and back again, just to hand her Application, with the check for the filing fee, and all of the colorful paper Specimens, over the counter to USPTO staff members, to be assured of proper filing, and the earliest possible filing dates.

Not just one, but three official USPTO representatives checked over her Application, Specimens, and check for payment of the filing fee, in person at the window, reviewing all of these for accuracy, completeness, and acceptability, before accepting her Application, and literally giving her entire Application their stamp of approval (see postcard below), before Applicant began the long six-hour drive back home. (The stamped postcard hereinbelow can be found in TSDR Document # 006, which someone titled "Duplicate Application", although this was included with her Original Application, with the USPTO date stamp of July 9, 2001, acknowledging receipt and acceptance of the Application and Specimens, and specifically including their approval of her check for the filing fee, on this date, in person, at USPTO offices in Arlington, Virginia.

Please also see the DELIVERY CONFIRMATION CERTIFICATE, in TSDR Document # 006, signed and dated July 9, 2001, stating that the Application is "HAND-DELIVERED TO AND DEPOSITED DIRECTLY WITH THE U.S. PATENT & TRADEMARK OFFICE" on July 9, 2001.

These circumstances are also explained in the letter dated July 27, 2001, in TSDR Document # 006. To Applicant Light's distressed surprise, seventeen days later, all of her materials were thrown back to her by mail, because unknown to her, the filing fee had gone up since the printing of her official Application form, which stated the filing fee as \$245 instead of \$325.

**Image # 01 – Postcard with USPTO STAMP approving
Application Materials & Check for Filing Fee,
Dated 07-09-01**



If the USPTO staff members had informed her that the amount had gone up, when they checked over her Application elements, and gave everything their approval, she could have issued a correct check for payment of the new filing fees, on the spot. It was their responsibility, as representatives of the USPTO, receiving, reviewing and approving Applications in person, to review the applicants' checks, and notify them if there was any problem with the amounts.

Upon being informed of this error seventeen days later, Applicant then sent the proper check in by mail, along with all of the original materials, and asked that the earlier filing date be reinstated, as she had trustingly relied upon the USPTO staff members at the window, who should have caught this error, and before giving all of her Application materials their official stamp of approval. This is what they are paid to do. This is a job responsibility. They looked over her check and accepted it. Applicant Light trusted them. Citizens should be able to trust the representatives of the USPTO.

Incident # 02.

They also could have called her to inform her of this error and kept her materials on hold. They had

her phone number, in seven places on her application (two cover letters, and cover sheets for Specimens). She could have corrected any problem immediately, without delay. Failing to call her, so that this could be immediately corrected, was Document Mishandling Incident # 02.

Incident # 03.

Waiting seventeen (17) days to get around to informing her of this error, and throwing the whole big packet back to her in the mail, thus causing it to have to be re-delivered back to them later, was Document Mishandling Incident # 03, as this significantly delayed the filing date, later assigned as July 31, 2001. Applicant Light was later informed that this was not at all “usual handling”, and it would have been normal to inform her immediately. Applicant Light, in all truth and fairness, is requesting reinstatement of the original filing date.

Incident # 04.

TSDR Document #005, listed online in TSDR as being dated 07-31-01, contains a letter dated 05-07-02 from Paralegal Deborah Mays. This is Document Mishandling Incident #04. Why is a letter, written by a USPTO paralegal on 05-07-02, placed in TSDR with a date of 07-31-01? Since the paralegal’s letter is dated 05-07-02, it should have its own listing, since it is a case document, with a date almost ten months after the TSDR listed date. Anyone looking for this letter would not be able to find it.

Incident # 05.

In her letter dated 05-07-02, which USPTO staff placed in TSDR Document #006 dated 07-31-01, Paralegal Deborah Mays refused to grant Applicant Light the earlier filing date, which Applicant has always felt was unfair, given the circumstances. Applicant Light still feels that the original filing date should be restored. She therefore asks that this decision be reviewed, and that the earlier filing date of July 9, 2001, be restored, as delay was due to USPTO representatives not properly doing their jobs.

What is the usual procedure for receiving in-person, paper Trademark filings, over the counter, at USPTO headquarters in Virginia? USPTO representatives take them, and review them, before accepting them. It isn’t just a drop-box. Why do they review the applications? To let the applicants know if everything is there

that they need for their filings. Applicant did a 12-hour, roundtrip drive for this, and received this review and acceptance. The USPTO should accept some responsibility for the decisions of their inside representatives.

Incident # 06.

The letter dated 05-07-02 from Paralegal Deborah Mays, in TSDR Document # 006 dated 07-31-01, incorrectly states that a Request to Correct the Filing Date was filed on July 9, 2001. This is not true – Applicant received notification on July 26, 2001, that her Application of July 9, 2001 was being thrown back to her through the mail because no one at the counter, who gave their stamp of approval to her entire Application, had informed her that additional funds were needed to complete the filing fee. So the first request to restore the original filing date was by letter from Applicant Light dated July 27, 2001 (the day after she received notification that additional funds were needed to complete the filing fee), accompanied by a new check.

Actual filing date granted was July 31, 2001, the date of the returned Application materials and Specimens, with new filing fee.

TSDR Document #005 does have the Express Mail Certificate with the mailing date for the refiling, and a copy of the Fee Record Sheet noting the day the new fee was processed.

Incident # 07.

The foundation for any Trademark case is the Application materials, with accompanying Specimens, but these have not been clearly, accurately, and chronologically placed on the Record for this case at the beginning. Why isn't the Application the first item in the online Records? There is no reason for other items to come first.

Applicant Light's original Application, which was submitted as paper documents, over the counter, in person, at USPTO offices in Arlington, Virginia, included the following:

- 1) Signed Application form with Declaration;
- 2) Cover letter on Applicant's letterhead, dated June 26, 2001;
- 3) Description of Goods;
- 4) Drawing Page;

- 5) Postcard with the USPTO stamp of approval of “The Trademark Application and check” for this Application, dated July 9, 2001;
- 6) Check for the filing fee;
- 7) Express Mail Certificate affirming deposit of the resubmitted Application materials with U.S. Express Mail on July 31, 2001;
- 8) Three copies each of four Specimens, which were clipped to gold-stamped letterhead Cover Sheets; and
- 9) Three copies of the fifth Specimen, the “Triple-Shimmering Playbooks”, clipped to gold-stamped letterhead Cover Sheets, with info about these Specimens, which were filed for the three Trademarks (“SHIMMERING RAINFOREST”, “SHIMMERING BALLERINAS & DANCERS” & “SHIMMERING BREEZES”), all filed with the USPTO at the same time.

All of this should have been placed at the very beginning of the online case Records.

Incident # 08.

As it stands, TSDR Document #004 is titled “Application”, but mistakenly just contains the following:

- 1) First a Drawing Page (the Application form should be first);
- 2) Fee record sheet noting the date that the USPTO processed the filing fee payment;
- 3) Description of Goods wrongly stamped “CANCEL”;
- 4) Letter from Applicant Light dated July 27, 2001, explaining why the Application was being resubmitted, and requesting restoration of the original filing date;
- 5) Copy of the postcard with the USPTO stamp of approval dated July 9, 2001, for “The Trademark Application and check” for this Trademark Application;
- 6) Express Mail Certificate affirming deposit of the resubmitted Application materials with U.S. Express Mail on July 31, 2001;
- 7) “Notice of Incomplete Trademark Application” which bears the date of 07-09-01, but which did not reach Applicant for two and a half weeks;

- 8) Copy of the three checks (for three Trademarks) as first included with the filing;
- 9) Copy of the three new checks sent with the resubmitted Application;
- 10) Delivery Confirmation Certificate, confirming that the Application materials were “HAND-DELIVERED DIRECTLY TO PTO OFFICES, DATE OF DEPOSIT: JULY 9, 2001” in Arlington, Virginia;
- 11) Letter from Paralegal Deborah Mays, refusing to restore the original filing date, dated May 7, 2002 (this should have a separate listing in the TSDR Record, as it is dated ten months after the original Application date);
- 12) Cover letter from Applicant dated June 26, 2002 which accompanied the original Application;
- 13) Black-and-white copy of the gold-stamped letterhead cover page which had been clipped to Specimen #1, for “The Saga of Soggy, The Rainforest Froggy”, but WITHOUT the attached Specimen itself.

Two of the five Specimens (in sets of three each), which were filed and refiled with the Application, are missing from the beginning Records of the Application. Why? These were later placed on the Record on 02-10-04, stamped with the 07-09-01 AND 07-31-01 filing dates. These were probably restored to the Record at the request of Examining Attorney Gast, when he noticed that a number of things were missing from the Record, over two-and-a-half years after they were first filed with the USPTO.

It is severe Document Mishandling, on the part of someone at the USPTO, to jumble up pages, ditch Specimens, and deliberately place the Application in a state of disarray.

This is a highly incomplete and jumbled set of initial Application materials, which, when filed, were in perfect order, and were complete. Altogether, this is listed as Document Mishandling Incident # 08.

Incident # 09.

The entire Application was later given a filing date of July 31, 2001. Yet many pages still have

“CANCELLED” stamped all over them with no mention of the accepted filing date.

This is confusing & misleading.

All of Applicant’s Application materials and Specimens, along with a check for the higher filing fee amount, WERE accepted, when the new filing date of July 31, 2001 was assigned to this Trademark.

Why wasn’t this noted on all of the Specimens? Why is “CANCELLED” still stamped all over all of Applicant Light’s Specimens, Drawing Pages, Description of Goods, and other materials, with no mention of the later accepted filing date? Some materials are even stamped as CANCELLED right above the assigned filing date of 07-31-01.

There is no excuse for failing to note the actual filing date on all of the Specimens. This should have been corrected long ago, but this should definitely be corrected now. This point will also be mentioned again herein for some of the individual affected documents.

Incident # 10.

The entire packet, with all of these elements, was refiled on July 31, 2001, as paper documents, with the new filing fee check, including the Application form with Declaration, the Description of Goods, the Drawing Page, and all of the above-described Specimens, clipped in a neat and orderly way, to letterhead cover pages, plus another cover letter describing why the Application was being refiled, including request for restoration of the original filing date. Everything was neatly in order, and filed as paper documents, not electronically.

Yet TSDR Document #006, titled “Duplicate Application”, does not contain all elements of the refiled Application. The severe mishandling, jumbling and plundering of the “Duplicate Application” as listed in TSDR Document #006 is listed herein as Document Mishandling Incident # 10.

Incident # 11.

There is a Cover Sheets problem. For both the original Application filed 07-09-01, and the refiled Application filed 07-31-01, five Cover Sheets on gold-stamped letterhead, with info on them pertaining to the

Specimens, were attached to five sets of Specimens. Yet in the Record, these letterhead Cover Sheets have been scattered randomly through the Record, ditched from Records they should be in, and not attached to their corresponding Specimens, many of which are also missing from Records they should be in.

None of the Cover Sheets (other than a single black-&-white copy of the Cover Sheet for Specimen #1, in both TSDR Documents # 004 & # 006, as described hereinbelow), appeared in the early Record. Yet, they were all filed, as paper documents, or they wouldn't have appeared later in TSDR Document # 021. This omission from the Records for July 2001, of the Cover Sheets filed with the Specimens, is listed herein as Document Mishandling Incident # 11.

Incident # 12.

This Incident specifically pertains specifically to the Cover Sheet for Specimen # 1.

The letterhead Cover Sheet for Specimen #1, "Jaha and Juma, The Wind-Harp Butterflies, Flutter Off To Safety In A Shower of Sparkles", was not scanned in with the Specimen, and is missing from TSDR Document # 001. Yet, as described in Incident # 11, a black-and-white copy of this Cover Sheet # 1 appears at random in TSDR Documents # 004 & 006, but not attached to and WITHOUT the Specimen to which it refers, and isolated from any of the other Cover Sheets, which do not appear in these Records.

However, four of the originally filed Cover Sheets later reappeared in the Record, in color, in TSDR Document #021, on 02-10-04, without explanation, probably at the instruction of Examining Attorney Gast, who must have noticed that they were missing from the online Records, though originally filed for the case.

However, the Cover Sheet for Specimen #1, in color, is missing from TSDR Document #021. Yet, it is clear that this Cover Sheet was originally filed, because a black-and-white copy of it did appear in TSDR Documents # 004 & 006. Image # 02 hereinbelow shows the lone black-and-white Cover Sheet #1 which appeared in the earlier Records. Image # 03 shows the color copy of this Cover Sheet, as filed, which should be reinstated to the Record.

All this is odd. Why would there be an attempt to ditch any of the letterhead Cover Sheets that were

Image # 02 - Cover Sheet, on letterhead, for Specimen # 1, shown in black-&-white, in TSDR Doc. # 006, but without the attached Specimen. The Specimens in TSDR Doc. # 001 do not have Cover Sheets with them.

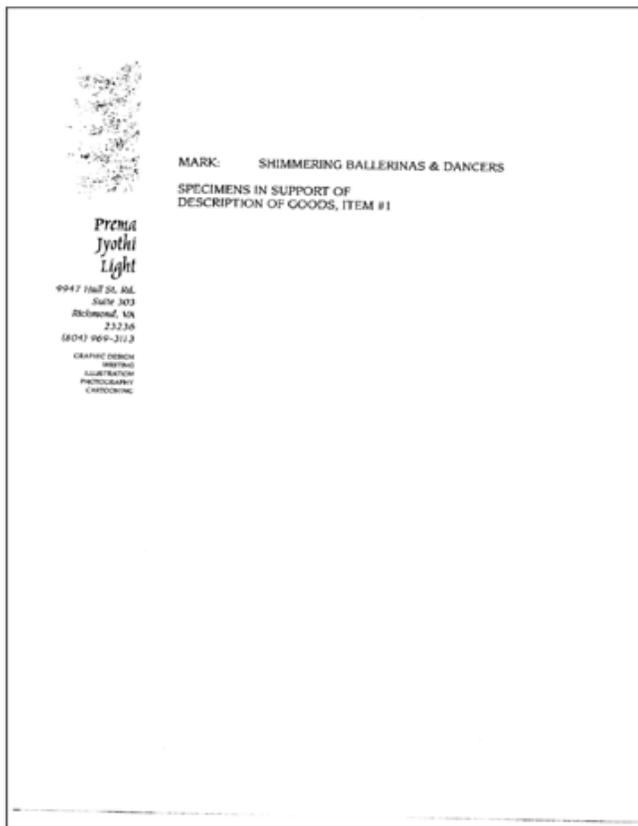
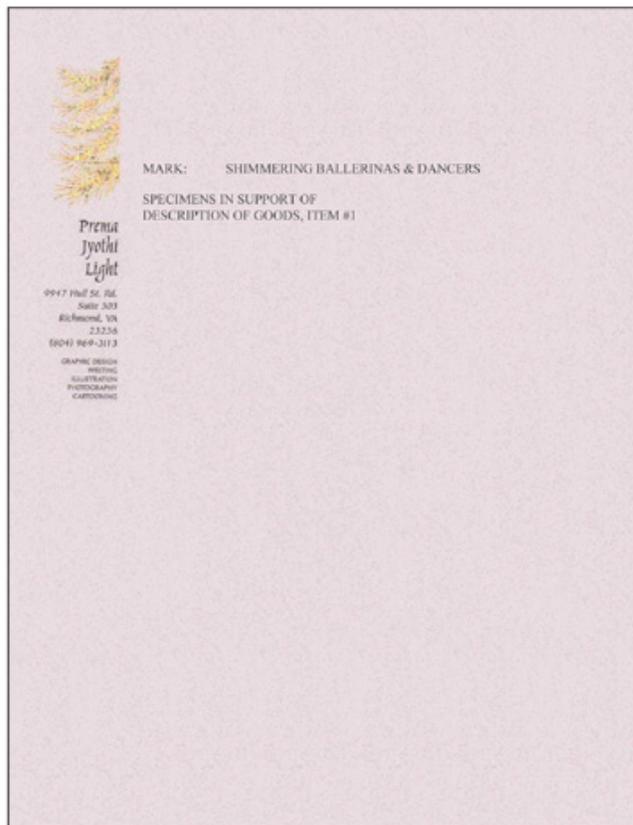


Image # 03 - Cover Sheet, on letterhead, for Specimen #1, as filed, in color. It is missing from TSDR Doc. # 21, and should be reinstated to the Record.



filed and attached to the Specimens? Perhaps this is because these were numbered, and someone wished to have the freedom to ditch some of the Specimens. **Ditching the Cover Sheets also seems to have resulted in getting all the Specimens out of order, and ditching some of them.**

This could be related to the handling of the Specimens for SHIMMERING RAINFOREST, filed with the USPTO at the same time. The Cover Sheet for Specimen #1, “The Saga of Soggy, The Rainforest Froggy”, was ditched -- along with the entire Specimen! Perhaps whoever did this, wanted to ditch the Cover Sheet for Specimen #1 for SHIMMERING BALLERINAS & DANCERS, also, to cover up for wrong actions with regard to Specimen #1 for SHIMMERING RAINFOREST. There were other problems related to Cover Sheets filed with that Trademark too. The Cover Sheets problem is listed herein as Document Mishandling Incident # 12.

Incident #13.

Most of the pages which appear in TSDR Document # 001, were uploaded as highly skewed documents, or upside-down as well as skewed (and overdarkened). (Please see Images # 04, 05, 06 & 07.) Why skew them in this way? Since many people file their documents online, the average viewer might think a careless Applicant sent them in this way. However, these mistakes are entirely on the part of USPTO staff members. Even the Ap-

Image # 04 - The front cover of Specimen # 1 was scanned into the Records by USPTO staff in a highly skewed way, as well as extremely worsened, in TSDR Document # 001.

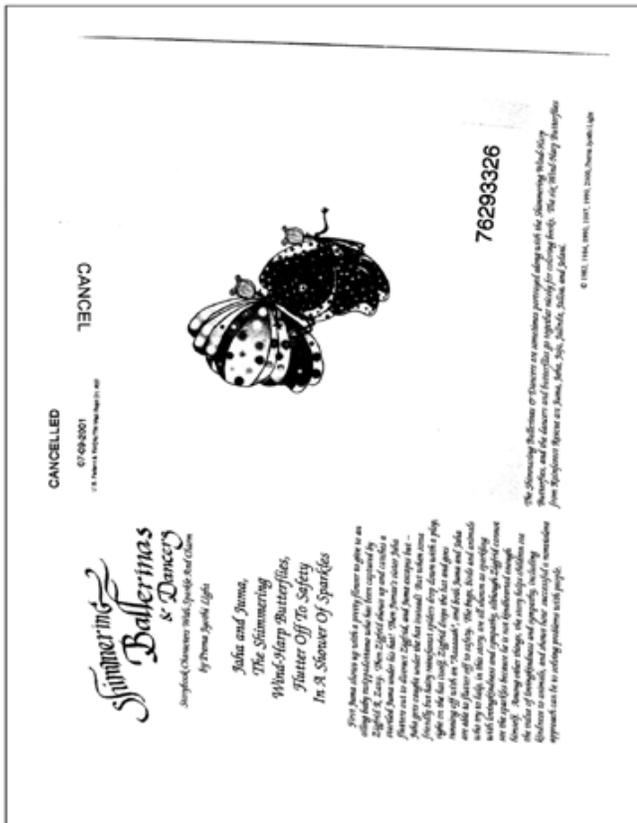
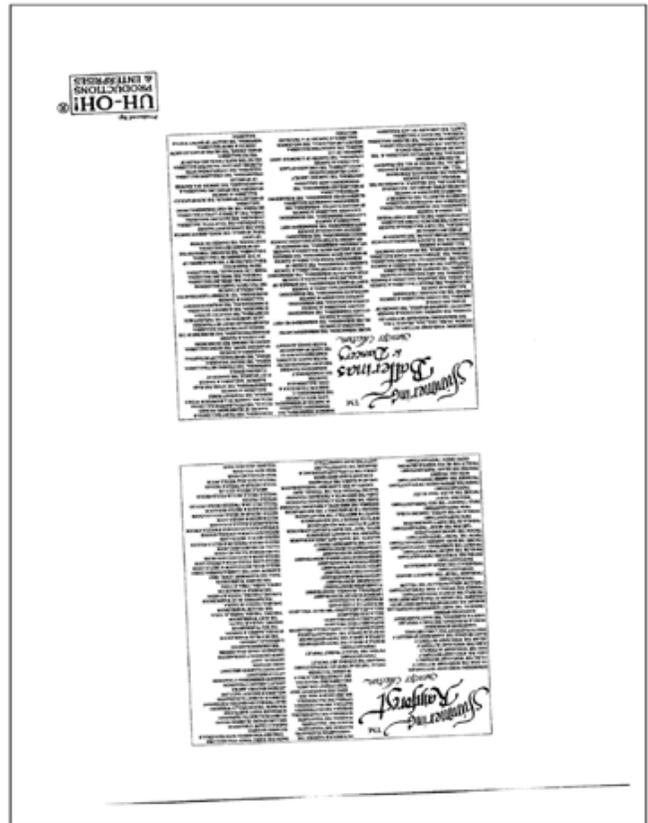


Image # 05 - The back cover of Specimen # 1 was scanned into the Records not only in a highly skewed way, and extremely darkened, but also upside-down as well, in TSDR Document # 001.



plication Form was thrown onto the scanner in a highly skewed way. And, overdarkening makes the type much harder to read, especially the small print on the Trademarks on the back. Why do this to documents which are filed with crisp, readable type? The scanning equipment has controls on it, and whoever is scanning a document can see what the results look like. They had to work on the scans to get them to look this bad. All of this is listed herein as Document Mishandling Incident # 13.

Image # 06 - The front cover of Specimen # 4 was scanned into the Records by USPTO staff in a highly skewed way, as well as extremely worsened scan, in TSDR Document # 001.

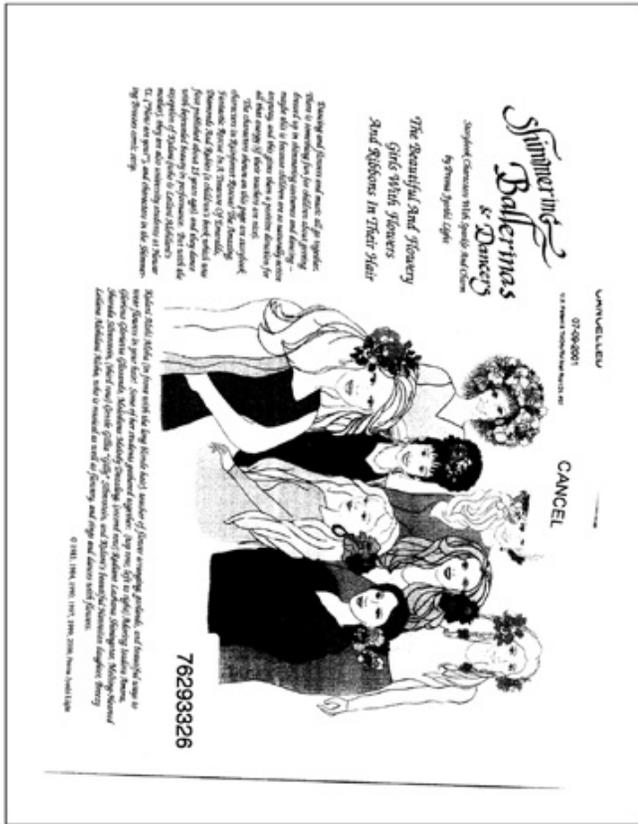
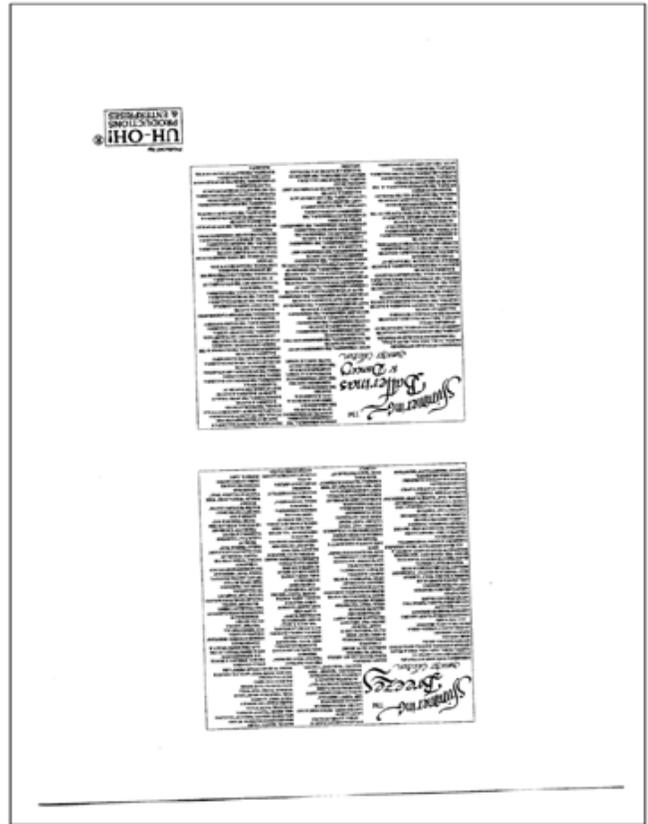


Image # 07 - The back cover of Specimen # 4 was scanned into the Records not only in a highly skewed way, and extremely darkened, but also upside-down as well, in TSDR Document # 001.



Incident #14.

Specimen #5, the “Triple-Shimmering Playbook”, was filed for this Trademark, on both 07-09-01 and 07-31-01. This Specimen contained ninety-five (95) numbered pages [98 including introductory pages]. YET, THE ENTIRE SPECIMEN WAS DITCHED FROM THE USPTO ONLINE RECORDS IN JULY OF 2001, completely missing from TSDR Documents # 001, “Specimen”; # 004, “Application”; and # 005, “Duplicate Application”. This is the serious, complete omission of another Specimen from the early Records for this case, due to actions of someone on staff at the USPTO. This Specimen reappeared in the Records in TSDR Documents # 020 and 021, dated 02-10-04. But the complete ditching of this entire large Specimen from the early Records for this case, is listed herein as Document Mishandling Incident #14.

Incident 15.

The Missing Specimen, “Triple-Shimmering Playbook”, filed as a paper document, reappeared on the Record, two years and seven months after the Application was accepted for filing, on 02-10-04, with no explanation. Is this normal for the USPTO? For Specimens filed with an Application to be removed by support staff, and not to appear on the Record for over a couple of years? However, at least they reappeared! Fortunately, this Specimen was scanned into the Records in a better way, as brightly colorful, and stickered with USPTO stickers, with the application dates of 07-09-01 and 07-31-01 still stickered on them. This was probably at the instruction of Examining Attorney Gast, when he noticed that some of the Specimens were completely missing from the online Records, and others had been really badly scanned into the Record.

Applicant Light sincerely thanks him for this honesty on his part.

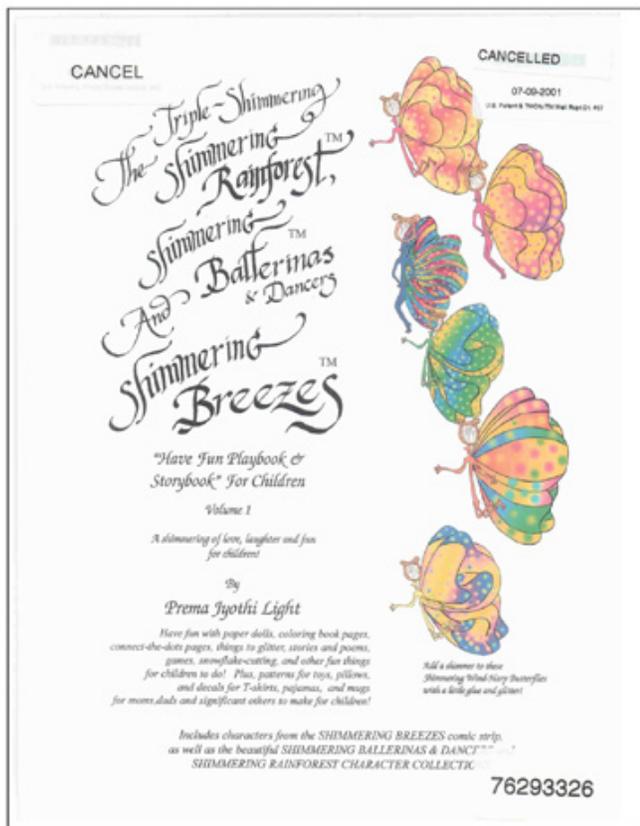
At this point, it would also be helpful to place a copy of this Specimen at the beginning of the Record, where Judges and others would expect to find them, to clarify what was in the original and refiled Applications, with a note as to the filing date assigned to this Trademark, instead of just the confusing CANCELLED stamps.

A PDF is filed, with this MOTION, for this purpose, containing all the pages of the Specimen, including the Cover, bumper-to-bumper.

Incident #16.

Please note that the cover of the “Triple-Shimmering Playbook” Specimen (see Image # 08 on next page), in TSDR Documents # 020 and # 021, has five USPTO stickers on it, one at the bottom with the serial number, two at the upper right corner (CANCELLED over the bar code, and a blue CANCELLED stamped over the first received date of 07-09-01), and two at the upper left corner (a CANCEL sticker over the barcode of the sticker beneath it, which has the second received date of 07-31-01. This shows the Specimen was received on both dates, but why is a CANCEL sticker above the 07-31-01 date, and over the barcode for that date, when this was the new assigned filing date? This is incorrect and needlessly -- possibly deliberately -- confusing. There are five CANCEL or CANCELLED stickers over a Specimen which was officially accepted for filing on

Image # 08 - Specimen #5, Cover for “Triple-Shimmering Playbook”, showing its earlier file date of 07-09-01, refiled 07-31-01, marred by CANCEL stamps without note of assigned file date, but thankfully added back into the Record, in TSDR Document #020.



July 31, 2001, but no note as to the accepted filing date. This Specimen was accepted as a Specimen for the case twice, 07-09-01 & 07-31-01. This altogether listed herein as Document Mishandling Incident # 16.

Incident #17.

TSDR Documents # 19, # 20 & # 21, dated 02-10-04, were apparently uploaded at the instruction of Examining Attorney Paul Gast, when he noticed that some Specimens were entirely missing from the online Records, and others had been very badly uploaded. So, these documents were then uploaded, in color. But TSDR Document # 19 is in error, as it contains only Specimens filed for the other Trademark, SHIMMERING RAINFOREST. The Specimens titled, “The Saga of Soggy, The Rainforest Froggy”,

and “Shimmering Breezes of Love & Light” were for SHIMMERING RAINFOREST, not SHIMMERING BALLERINAS & DANCERS. This is listed herein as Document Mishandling Incident # 17.

Incident # 18.

And, the Cover for the “Triple-Shimmering Playbook” has been placed in TSDR Document # 19, completely separated from the Playbook itself. This is Document Mishandling. The cover of the Playbook should be in the Record with the rest of the Specimen, or the Cover is needlessly and confusingly separated from the Specimen itself, which appears in TSDR Document # 020. This is listed herein as Document Mishandling Incident # 18.

Incident # 19.

The “Triple-Shimmering Playbook” Specimen, stripped of its Cover, appears in TSDR Document # 020, and most of the rest of the Playbook is then scanned into the Record, in full color. This is great, as far as it goes.

But, this scanning of Playbook Specimen pages, in full color, back into the Record, is MISSING FIFTEEN (15) PAGES, in addition to the missing Cover.

This is why the color scans of the Playbook, in TSDR Document # 21, cannot suffice as a complete and accurate representation of the Specimen.

This is why, attached to this MOTION, is a complete PDF of this Specimen, bumper to bumper. This utilizes the scans in TSDR Document # 21, but adds in all the “missing”, “ditched”, or “left out” pages. Everything needs to be there, for completeness.

It just isn't good to “leave out” FIFTEEN PAGES (15). These are the “left-out” pages: 48, 50, 52, 54, 56, 58, 62, 64, 74, 76, 78, 84, 86, 88, & 90.

Some pages have the notation, “This page has intentionally been left blank,” or words to that effect. This is because there is something on the other side of the page which has to be cut out, such as paper dolls or doll clothes. Then if the child cuts out the paper doll or doll clothes, nothing is really lost, on the other side of the page, which would be fun for the child to do. If a page contains a decal for repro, this reproduces more cleanly if there is no image showing faintly through the page, as there would be if there was printing on the other side of the page. Whoever scanned this Playbook just SKIPPED the pages with “intentionally left blank” notations on them, but -- these are numbered pages in the book. Therefore, numbered pages are missing, and the question naturally arises as to what was on them.

The solution is to simply scan all of the pages. This is what is needed here.

Accompanying this MOTION is a PDF of this Specimen, with all of the elements included: the Cover, introductory pages, and rest of the book through to the end, no pages skipped, in a single pdf. It is asked that this Specimen be added into the Record, for completeness and accuracy, and to set the Record straight on the

contents of this Specimen. The scan in TSDR Document # 21, of the Playbook without its color Cover (featuring the (Wind-Harp Butterflies”), and missing FIFTEEN (15) pages, is listed herein as Document Mishandling Incident # 19. This can be corrected by reinstating to the Record, the accompanying PDF of the complete Triple-Shimmering Playbook.

Incident # 20.

TSDR Document # 002, dated 07-09-01 in the online records, which apparently Examining Attorney Lavache placed there in 2012 and titled “Drawing Original Restored”, is NOT an original Drawing, and not something which should have ever been back-dated, or “restored” to the wrong date, for this Trademark. It was not filed as an alternate drawing until EIGHT YEARS LATER.

The standard character version of this Trademark was first offered as an alternate Drawing of the Trademark, in a RESPONSE TO OFFICE ACTION, dated 12-16-08 (TSDR Document # 40, filed under Evidence, with the file name: \\TICRS\EXPORT5\IMAGEOUT5\762\933\76293327\xml1\RO A0002.JPG).

Applicant had thought that the Examining Attorney, Paul Gast, was offering her the option of submitting her Trademark in a standard character version, in his OFFICE ACTION, dated 06-14-08.

However, her RESPONSE to this OFFICE ACTION was filed via TEAS, on 12-15-08 in Colorado, but with the last clicks a mere half hour late in Eastern Time. Though she filed it on time, in Colorado, it was just a few minutes late on the East Coast. Her application was therefore deemed “abandoned”, and Examining Attorney Gast required her to file a Petition to Revive to “un-abandon” it.

Therefore, Applicant Light later refiled her RESPONSE TO OFFICE ACTION, which included the new standard character version of her Trademark, along with a PETITION TO REVIVE, on 03-12-09 (see TSDR Document # 45). This standard character version was a part of her RESPONSE to this OFFICE ACTION. The Petition to Revive was granted.

Examining Attorney Gast later informed her that he had not intended to convey to her an offer to resubmit her Trademark as a standard character Mark, and decided to reject the standard character version.

**Image # 09 - Original Drawing Page,
on first page of TSDR Document # 003.**



Therefore, this version was not pursued further by Applicant, who dropped it at that time.

This standard character Drawing was filed along with a PETITION TO REVIVE and RESPONSE TO OFFICE ACTION on 03-12-09 (see TSDR Document # 045), NOT on 07-09-01 (see TSDR Document # 002), and should be removed from TSDR Document # 002, and left in TSDR Document # 045.

The first page of TSDR Document # 003, titled “DRAWING PAGE FOR: SHIMMERING RAINFOR-EST”, was the only original Drawing for this Trademark (see Image # 09 hereinbelow).

The standard character version of the Trademark

was never commented on by Paul Gast until after her RESPONSE was accepted on March 11, 2009, which is also proof that it was not submitted earlier in the case.

Question: the alternate Standard Character Drawing of the Trademark was filed on March 11, 2009, eight calendar years after the original Application. Why would a newly assigned Examining Attorney suddenly pluck this Drawing out of the 2009 case records, and stick it into the earlier online case records, back-dating it for July 9, 2001? This was a very odd, and inaccurate, action for her to take.

Throwing this (standard character) Drawing back onto the earlier Records, with a date of 07-09-01, is an “OFF BY EIGHT YEARS” mistake, and listed herein as extreme Document Mishandling Incident # 20.

Incident # 21.

The same (standard character) Drawing was also wrongfully inserted into TSDR Document # 003, titled “Drawing”, as a second page, and also dated as 07-09-01. It does not belong there, either. Applicant therefore

requests that TSDR Document #003 be corrected by removal of the standard character version of the Trade-mark, as it was not part of the original Application on 07-09-01. This is also an “OFF BY EIGHT YEARS” mistake, and listed herein as another extreme Document Mishandling Incident # 21.

Incident # 22.

The only Original Drawing Page, the first page in TSDR Document # 003 (see Image # 09 hereinabove), has filing dates of 07-09-01 & 07-31-01 stamped on it, but it also has CANCEL and CANCELLED stamped on it three times. This is misleading and confusing. It is correctly stamped with a barcode and the date 07-09-01. But, it was also accepted for filing with the date of 07-31-01, and therefore there should not be a CANCEL stamp directly over the acceptance date.

Therefore, Applicant hereby requests that this be corrected, that the CANCEL should be uncanceled, or at least corrected to reflect the fact that it was accepted for filing in July 2001. This is related to Incident # 09, but is also listed separately herein as Document Mishandling Incident # 22.

Incident # 23.

There have been repeated problems with the way Applicant Light’s Specimen images have been scanned into the Records by staff members of the USPTO. This is listed as an overall, separate Incident herein so that some things only have to be said once instead of several times, as these problems have been common to several images. Many of the Specimens were filed as paper documents, and scanned in badly by USPTO staff.

In 2001, grayscale images were still being scanned into the Records instead of color images.

When she saw at the shockingly bad scans done of her Specimens, Applicant Light wondered what on earth the USPTO staff was doing to make the images look so bad. The images were being blackened, almost beyond recognition, with destruction of any detail. The midtones were being dropped out, but there was both over-lightening and over-darkening in the same images. So she went to her computer, to try to replicate their mistakes. The images were being blackened, almost beyond recognition, with destruction of any detail. The midtones were being dropped out, but there was simultaneous over-lightening and over-darkening.

By doing multiple scans, different ways, Applicant Light realized that what USPTO staff had done to the scans, was to scan them in as black-and-white scans, instead of grayscale scans. Black-and-white scan settings are -- and were -- usually only done for black-and-white pen-and-ink drawings, which are pure black ink on pure white paper, with no midtones to reproduce. This was not at all the way color images were usually reproduced, even at that time. Ms. Light has seen images in TTAB case files from way back then, and grayscale images were normal and usual, even for that time. USPTO technology allowed for that.

Further, even for black-and-white scans, their scans were done at 200 dpi, not 300 dpi. When Ms. Light tried to duplicate their results on her scanner, she found that 300 dpi resulted in finer detail than their scans were giving. And, there is a midpoint for black-and-white scans. The “variable” is called “threshold”, and the threshold has about a 500-point range, from a totally white image to a totally black image. They were consistently running their images at the blackest end of the range, above 400 points, to make the images really, really black. Many of their resulting images seem to be composite images: overlightening the lights, overdarkening the darks, and then “cutting” out the images (on computer) to place them on the pages with the combination of the worst of both effects, but so that the print was somewhere within normal parameters, without the page looking gray. The point is: these were not just accidentally overdarkened images. As the following pages illustrate, what they did was nowhere near normal grayscale images, or even overdarkened grayscale images, but instead: stark black-and-white images, at a low-res 200 dpi, not 300 dpi, and at the darkest end of the threshold spectrum, with scan images combined for bad effect. It all adds up to what looks like deliberate bad intentions, as further shown herein. Please review and compare the following images.

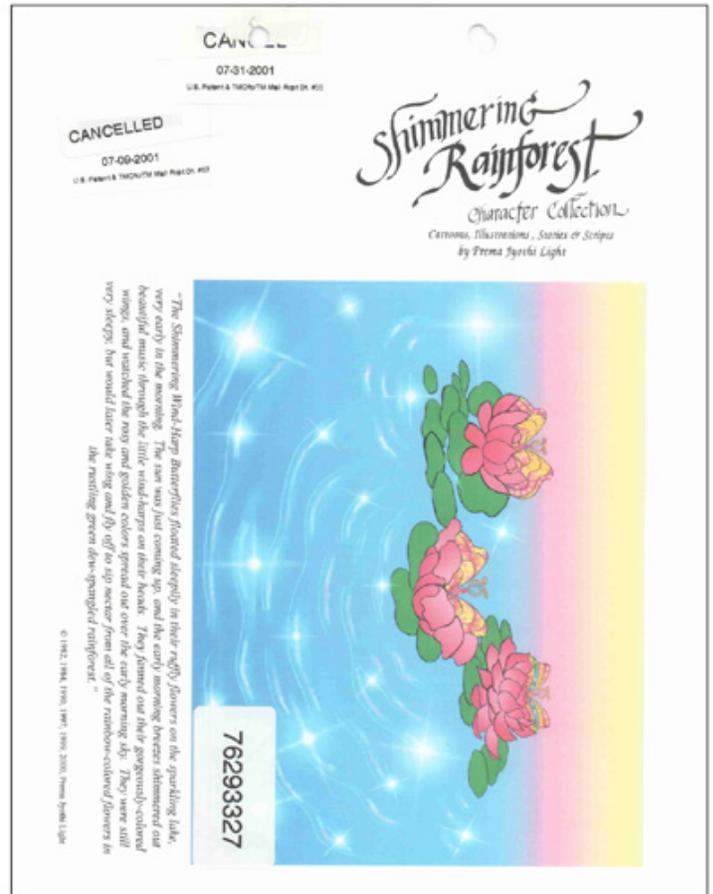
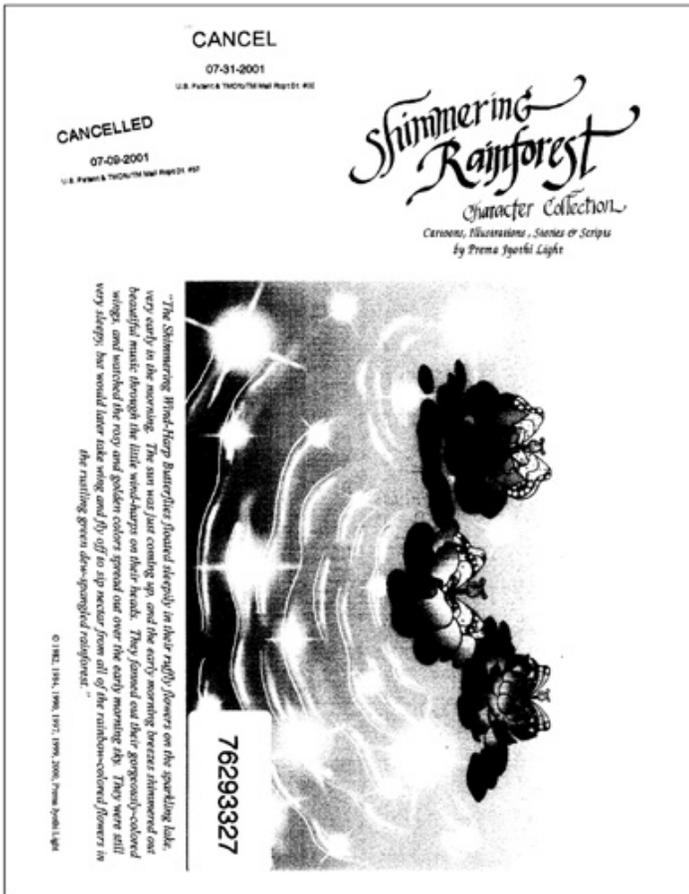
Incident # 24.

Someone on the USPTO staff seems to have zeroed in on some of Applicant Light’s popular storybook characters, “The Shimmering Wind-Harp Butterflies”, when blackening and ditching Specimens, for this Trademark and also the related sister Trademark, SHIMMERING RAINFOREST.

Please take a look at Images # 10 & 11, of Specimen #2 for SHIMMERING RAINFOREST, featuring

**Image # 10 - Specimen #2,
Cover Page, blackened by USPTO staff
when they uploaded it into
TSDR Document # 001, dated 07-09-01.**

**Image # 11 - Specimen #2,
Cover Page, in color, as originally filed,
as shown in TSDR Documents #020 & # 021,
dated 02-10-04.**



beautiful little “Wind-Harp Butterflies” in lotus flowers, floating on a sparkling lake. The image on the left was the worsened scan, which was placed in TSDR Document # 001. It is a black-and-white scan, not a grayscale scan. Please note that all the midtones in the sky have disappeared, which would not have been the case if the image were simply over-darkened. Please see Image # 13 for an example of the way this image would have looked if it had simply been an overdarkened, grayscale image. Please note the difference between the sparkles, in Image # 13 (sparkles more slender) and Image # 10. In Image # 10, the image has been way over-darkened to obliterate the details. The white sparkles on the water have been widened into giant snowballs, by over-lightening, but the water around these “snowballs” is black, by over-darkening. It could be a composite image, combining the worst of both bad effects. But, it has been done as a black-and-white image, not a grayscale image,

Image # 12 - A normal grayscale image of the Cover Page for Specimen #2, of the SHIMMERING WIND-HARP BUTTERFLIES in lotuses on a sparkling lake.

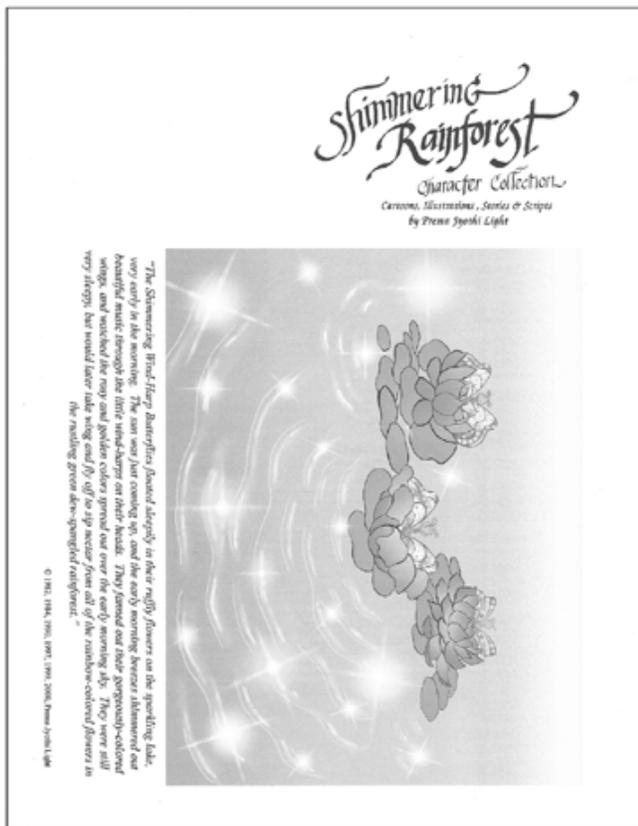
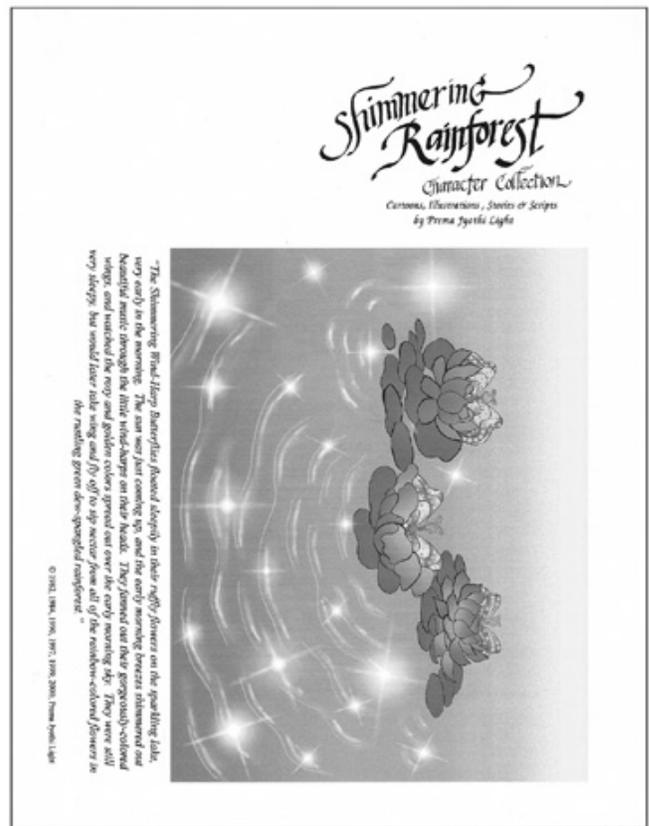


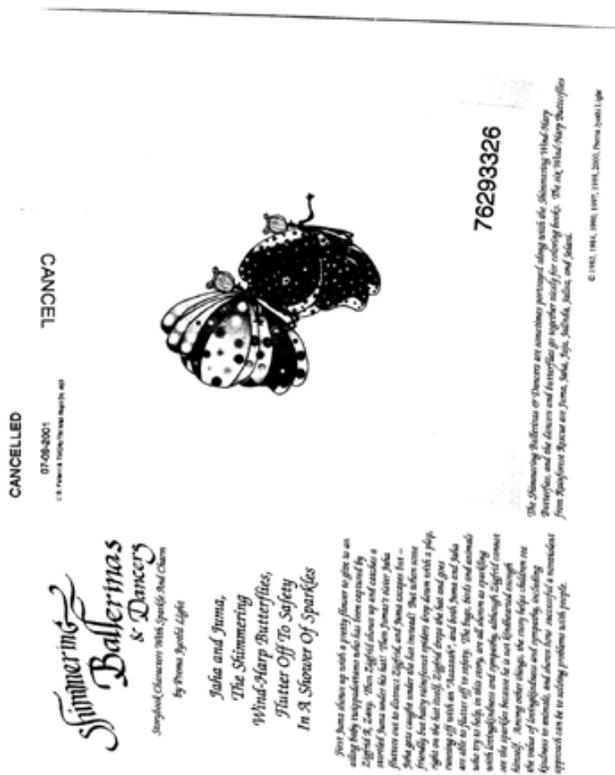
Image # 13 - The way this image would have looked if it were simply a way-overdarkened grayscale image of this Specimen (note the difference in sparkles between this and the blackened scan).



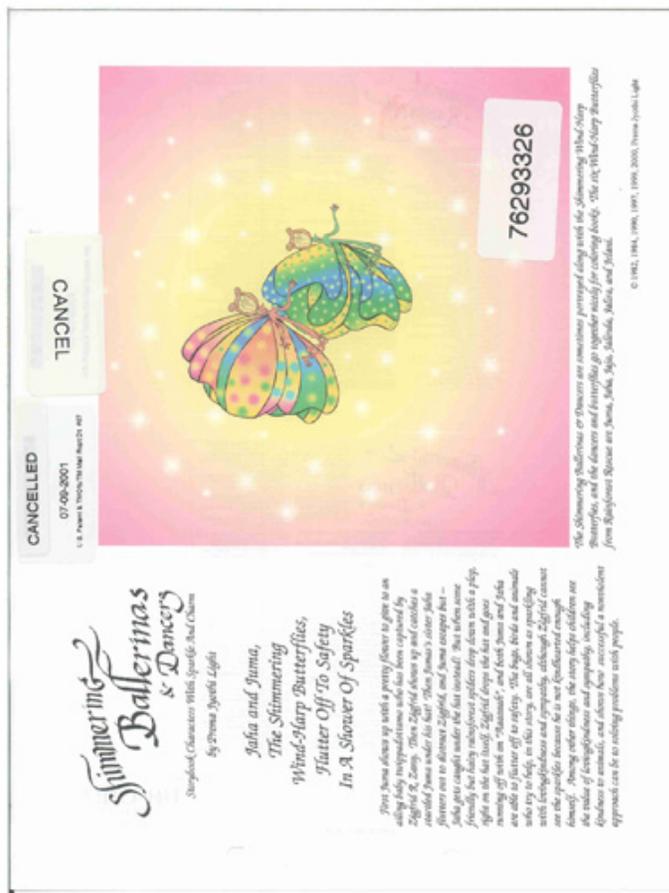
on the dark end of the threshold spectrum, which causes the image to go to extremes of light and dark. The net result is a destructively worsened image, which does not have any normal midtones, yet DOES have unusually lightened areas, and yet is also blackened almost beyond recognition, obliterating finer details of the pretty and delicate little Wind-Harp Butterflies. Image # 11 hereinabove was a full-color copy of the same Specimen, quite a bit lighter than the original, but at least in color, which reappeared two and a half years later in TSDR Document # 20, dated 02-10-04, for that Trademark, in color. You can see the difference between the two Specimens.

Image # 12 shows the same Specimen as it could have and should have been scanned, originally, even as a normal grayscale image. This technology was easily available at that time, even in 2001. Image # 13 shows what this image would have looked like, if simply overdarkened. The sparkles are still slender and distinct.

**Image # 14 - Specimen #1,
Cover Page, blackened by USPTO staff
when they uploaded it into
TSDR Document # 001, dated 07-09-01.**



**Image # 15 - Specimen #1,
Cover Page, in color, as originally filed,
as shown in TSDR Document # 021,
dated 02-10-04.**



There is a difference between overdarkened, and destructively blackened. (The destructive blackening of Specimen #2 for SHIMMERING RAINFOREST, as shown in Image # 10 above, is listed as Document Mishandling Incident #24 in the simultaneously-filed MOTION FOR CORRECTIONS for SHIMMERING RAINFOREST.)

THE SHIMMERING WIND-HARP BUTTERFLIES were also blackened when USPTO staff scanned in the colorful paper Specimen # 1 for SHIMMERING BALLERINAS & DANCERS, which was filed as a paper Specimen (see Image # 14). Look at what was done to Specimen #1, by USPTO staff, when scanning it into the online Records, for TSDR Document # 001 dated 07-09-01. Also, the ditched TRIPLE-SHIMMERING PLAYBOOK featured THE SHIMMERING WIND-HARP BUTTERFLIES on the Cover, in color (see Image

Image # 16 - Speciment #1:

The way this would have looked if simply a way-overdarkened grayscale image (note: the whole page goes grayer) & sparkles stand out more).

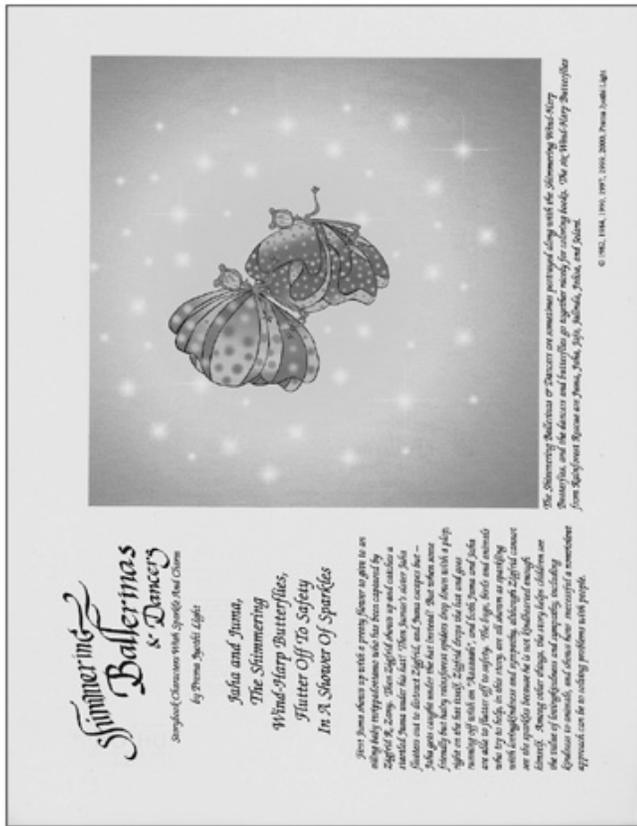
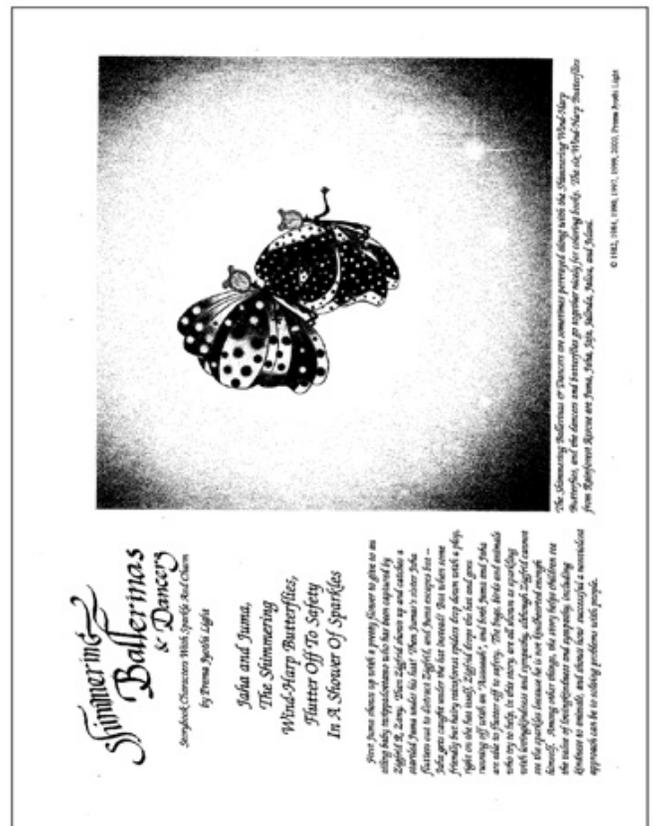


Image # 17 - Speciment #1,

If this, as a black-&-white image, is darkened this much, the corners also go darker; USPTO staff would have to have edited corners out of this image, to arrive at Image #14.



08). These SHIMMERING WIND-HARP BUTTERFLIES were also featured on the inside pages of the TRIPLE-SHIMMERING PLAYBOOK that went “missing” (see Images # 19, 20 & 21).

This is altogether being listed as a separate Incident, to point out possible connections between some of these Document Mishandling Incidents, in the handling of documents and images for this Trademark, and also the sister Trademark, SHIMMERING RAINFOREST, with regard to THE SHIMMERING WIND-HARP BUTTERFLIES. These may have been a coveted “nab” by someone on staff at the USPTO, hoping to “net” an Applicant’s storybook butterflies, for the “glory” or for monetary gain, or as a “gift” to a friend of something to plagiarize, or for a girlfriend, or boyfriend, to develop themselves. Problem is, this is not at all honest, legal, or what one would expect from employees of the United States Patent & Trademark Office, which is supposed to help protect artists from theft of intellectual property!

Image # 18 - A normal grayscale image of the Cover Page for Specimen #1, with the beautiful little SHIMMERING WIND-HARP BUTTERFLIES & sparkles.

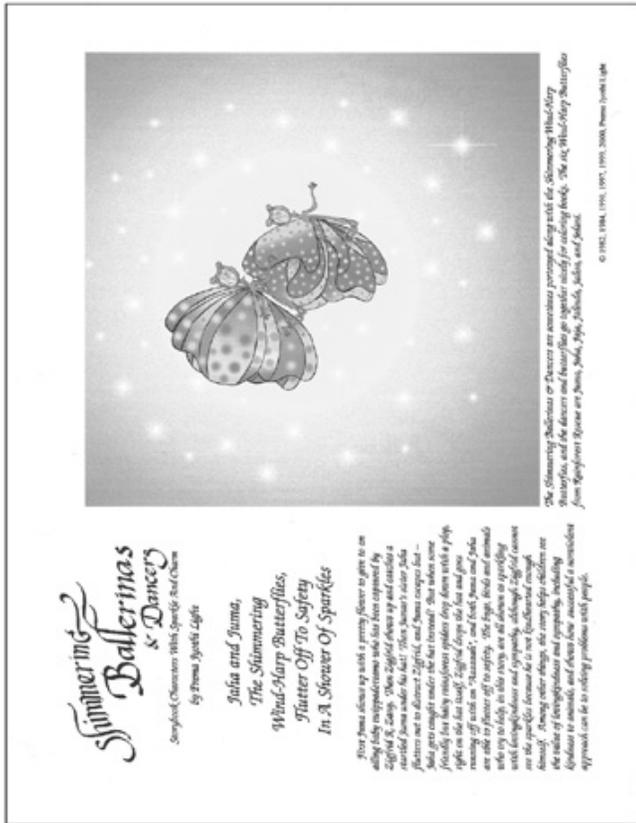
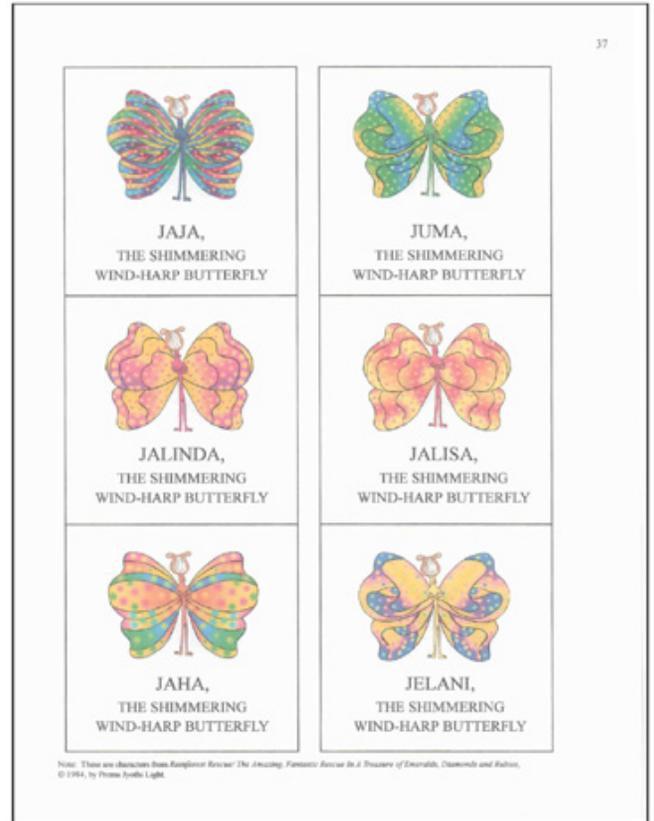


Image # 19 - Specimen #5, Page 37, "Triple-Shimmering Playbook", featuring SHIMMERING WIND-HARP BUTTERFLIES, missing from earlier Record, reappearing in TSDR Document #020.



Incident # 25.

Specimen # 1, for SHIMMERING BALLERINAS & DANCERS, was submitted as a brightly colorful paper Specimen, over the counter, titled, “Jaha and Juma, The Wind-Harp Butterflies, Flutter Off To Safety In A Shower of Sparkles”, from a storybook image (see Image # 15). Images ## 14, 15, 16, 17 & 18 are shown, in this MOTION, to illustrate the fact that something was done to this image to produce the unusually worsened scan which someone on the USPTO staff placed on the Record as representing this Specimen (Image # 14). Please see Image # 18 for a normal grayscale scan of this image which was easily available with the technology of that time. Image # 16 is the way it would have looked if it had simply been accidentally overdarkened. Note that this causes the page itself to go overgray. Apparently this image was done as a black-and-white scan, normally only used for black ink drawings on white paper, when reproducing artwork.

Image # 20 - Specimen #5, Page 35,
“Triple-Shimmering Playbook”,
featuring SHIMMERING WIND-HARP
BUTTERFLIES, missing from earlier Record,
reappearing in TSDR Document #020.

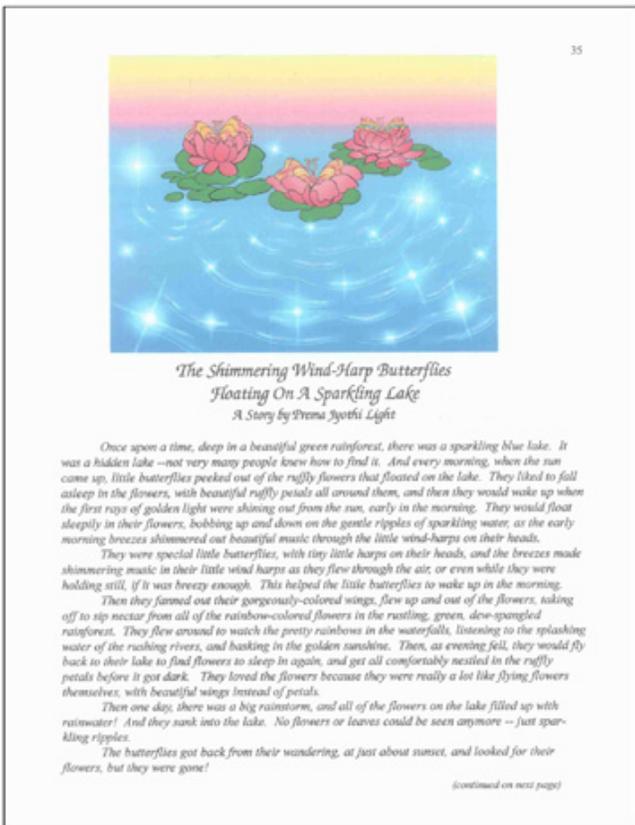


Image # 21 - Specimen #5, Page 36,
“Triple-Shimmering Playbook”,
featuring SHIMMERING WIND-HARP
BUTTERFLIES, missing from earlier Record,
reappearing in TSDR Document #020.



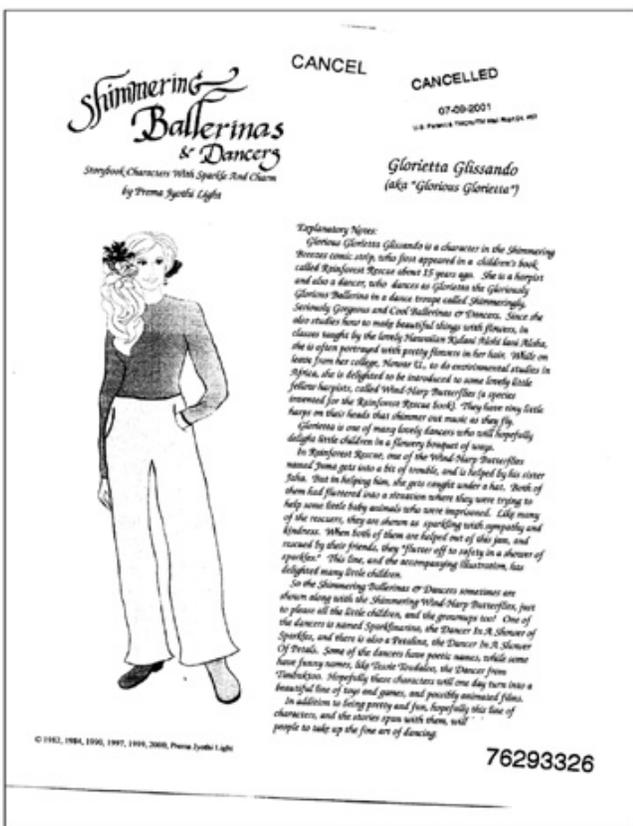
However, look at Image # 17, which shows a black-and-white scan of the color image, done dark enough to produce butterflies as dark as those in Image # 14. The corners of the image get overdark too. But if you compare Image # 14 with Image # 17, the darkened corners would have to be removed to get the blackened butterflies on a white ground. Image # 14 was “worked on” to arrive at its condition. Conclusion: someone worked on this image to worsen it, before placing it on the Record in TSDR Document # 001. The sparkles were completely removed! The butterflies were blackened to obliterate the details, and the midtones were all removed also. The wrong kind of scan was done on it -- it should have been grayscale, but even the black-and-white scan was altered. Net effect: destructively worsened. This is a breach-of-trust action on someone’s part. And all of the Applicant’s images were handled in this way, both blackened and overlightened to obliterate detail.

Image # 15 is the same Specimen cover, for “Jaha and Juma, The Shimmering Wind-Harp Butterflies Flutter Off To Safety In A Shower Of Sparkles”, which reappeared in bright color, on the Record, in TSDR Document # 021, two years and seven months later, on 02-10-04, as an act of honesty by Examining Attorney Gast. You can see the midtones around the white sparkles, and the delicate detail in the butterflies.

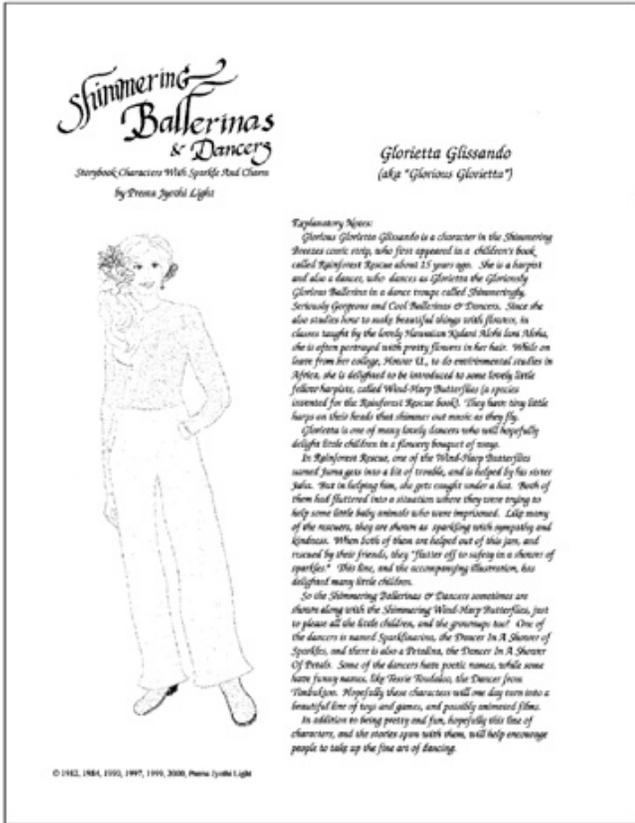
THE SHIMMERING WIND-HARP BUTTERFLIES, shown herein in Images ## 14, 15, 16, 17 & 18, were “Fluttering Off To Safety”, but -- someone on the USPTO staff must have tried to “net” them, for a nefarious purpose! The destructive worsening of the image for Specimen #1 for this Trademark, for online posting, as shown in Image # 14, is listed herein as extreme Document Mishandling Incident # 25.

Image # 22 - Specimen #2,
Cover Page, worsened & skewed by USPTO staff
for “Glorious Glorietta Glissando”,
TSDR Document # 001, dated 07-09-01.

Image # 23 - Specimen #2,
Cover Page, in color, as originally filed,
for “Glorious Glorietta Glissando”,
TSDR Document # 021, dated 02-10-04.



**Image # 24 - Speciment #2,
“Glorious Glorietta Glissando”:
if scanned in black-and-white, so that
one foot is white -- both feet are white!**



**Image # 25 - Speciment #2,
“Glorious Glorietta Glissando”:
if scanned in black-and-white, so that
one foot is black -- both feet are black!**

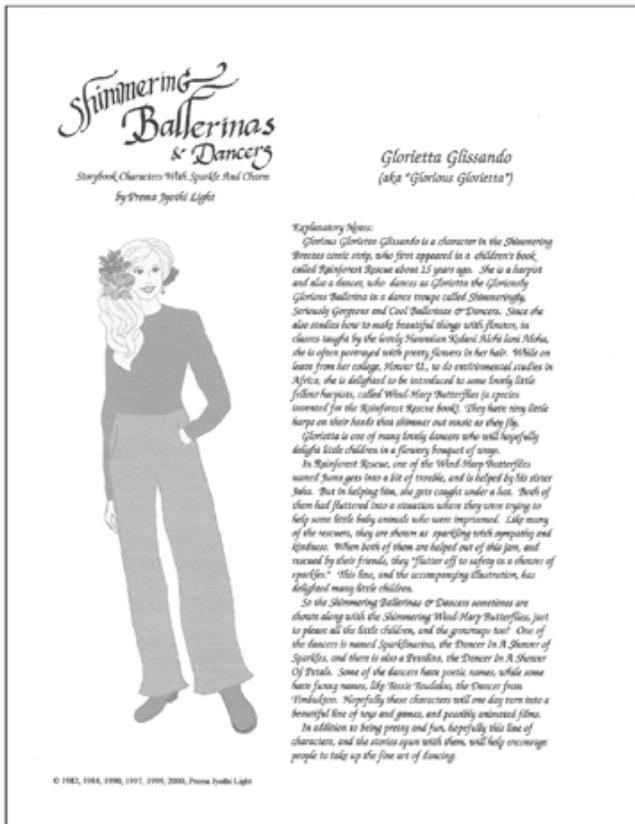


Incident # 26.

The destructive worsening of Specimen #2 for this Trademark, “Glorious Glorietta Glissando”, is illustrated hereinbelow by Images ## 22, 23, 24, 25, 26 & 27. Image # 22 shows the image as placed on the Record by USPTO staff, skewed and weirdly altered. Who did this? Image # 23 shows an image which more closely resembles the paper document, as filed in color, as reinstated to the Record on 02-10-04 by Examining Attorney Gast. Image # 24 shows what the image would have looked like if an overlitened black-and-white scan had been done (note that Glorietta’s feet are both white). Image # 25 shows what the image would have looked like if an overdarkened black-and-white scan had been done (note that Glorietta’s feet are both black). Image # 26 shows what a normal grayscale scan of the image looks like (which could have and should have been done, but wasn’t) (Glorietta’s feet are both light gray). Image # 27 shows what the image would have looked like,

Image # 26 - A normal grayscale image of the Cover Page for Specimen #2, for “Glorious Glorietta Glissando” as it should have been scanned.

Image # 27 - The way this would have looked as simply a way-overdarkened grayscale image for “Glorious Glorietta Glissando”.



if an accidentally overdarkened grayscale scan had been done (Glorietta’s feet are both dark gray). Now look again at Image # 22, in which something weird was done to Glorietta’s feet. Why is one white, and one black?

Both feet were the same color in the color illustration.

Please note in Image # 22, how something weird was done to Glorietta’s feet. Why is one white, and one black? **Both feet were the same color in the color illustration.** This could not have been achieved in just one scan. To end up with one foot white, and one foot black, the two bad scans would have to be combined.

The effect on her shirt, partially dark, partially light, would have to have taken a third scan. This image has to have been the result of multiple bad scans combined. Someone on the USPTO staff must have worked on Image # 22 to get it to look this bad. Then, to complete the bad effect, this person skewed the entire image.

Conclusion: someone on the USPTO staff must have worked on this image to weird it out.

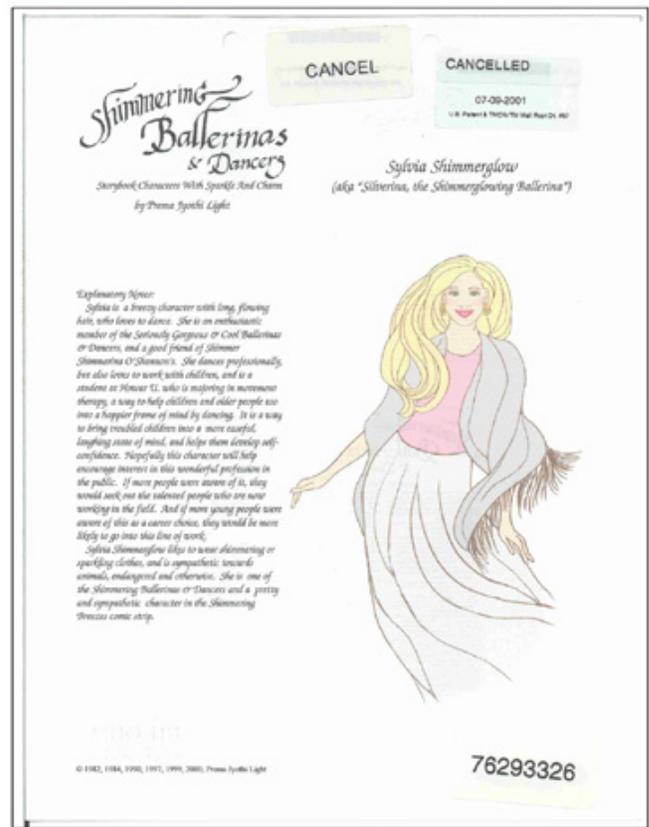
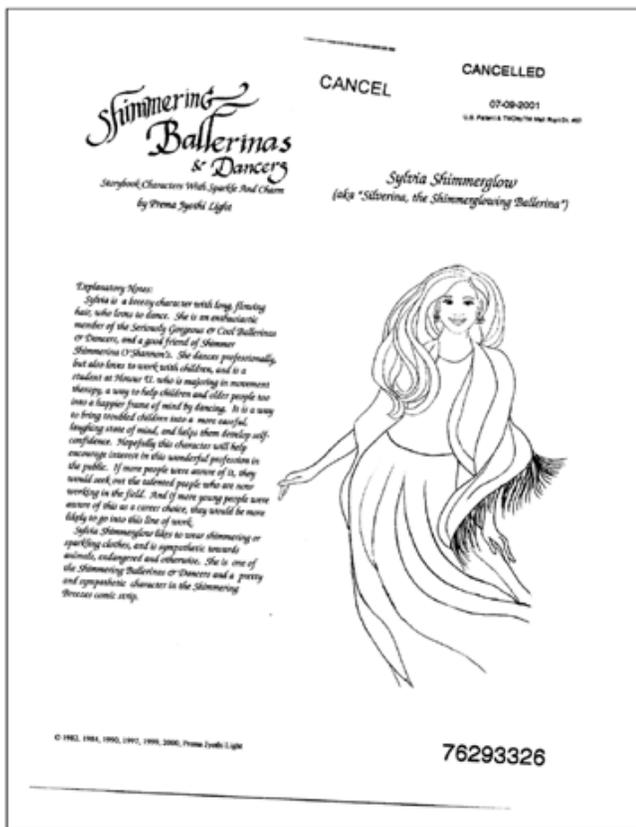
This was a huge breach of trust on the job.

Image # 23 shows the colorful Specimen cover, originally filed as paper documents on 07-09-01 and 07-31-01, as reappeared in TSDR Document #21 on 02-10-04. (Please remember that three copies of each Specimen were required to be filed at that time, in 2001, so the stickers may be in different places on different copies. Whoever scanned in the Specimens for TSDR Document #21 only scanned in one of the three Specimen copies which were filed in July 2001. Three copies were filed and separately stickered.)

The apparently intentional, destructive handling of the image for Applicant Light's "Glorious Glorietta Glissando" Specimen, both overlitened and overdarkened, is herein listed as extreme Document Mishandling Incident # 26.

Image # 28 - Specimen #3,
Cover Page, "Sylvia Shimmerglow",
over-lightened to lose the midtones,
then over-darkened to blur the type,
& then skewed, by USPTO staff.

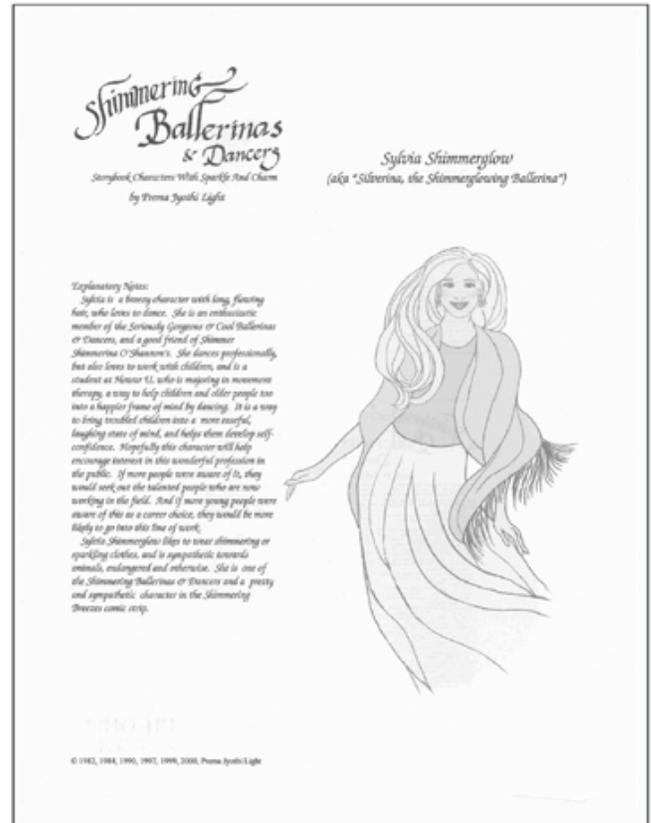
Image # 29 - Specimen #3,
Cover Page, in color, as originally filed,
for "Sylvia Shimmerglow"
as shown in TSDR Document # 021,
dated 02-10-04.



Incident # 27.

Specimen # 3 for this case, SYLVIA SHIMMER-GLOW, also known as SILVERINA, THE SILVERY SHIMMERGLOWING BALLERINA, was also badly scanned into the Record from the paper documents which were filed on 07-09-01 and refiled on 07-31-01. Please see Images ## 28, 29 & 30. Image # 28 is the tampered-with and skewed scan, placed on the Record in TSDR Document # 001 for this case. Image # 29 is the full-color scan which reappeared on the Record in 02-10-04, stickered with the earlier filing dates. Image # 30 is what a normal grayscale scan of the paper document would have looked like. What happened with the scan of this Specimen cover which was placed on the Record in TSDR Document # 001? SYLVIA was

Image # 30 - A normal grayscale image of the Cover Page for Specimen #3, for “Sylvia Shimmerglow, also known as Silverina, the Shimmerglowing Ballerina” as it should have been scanned.

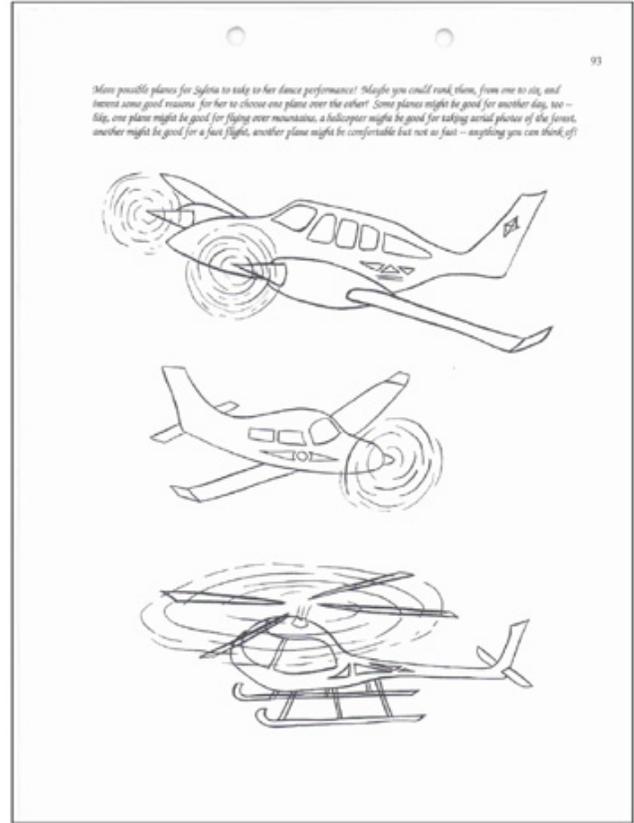
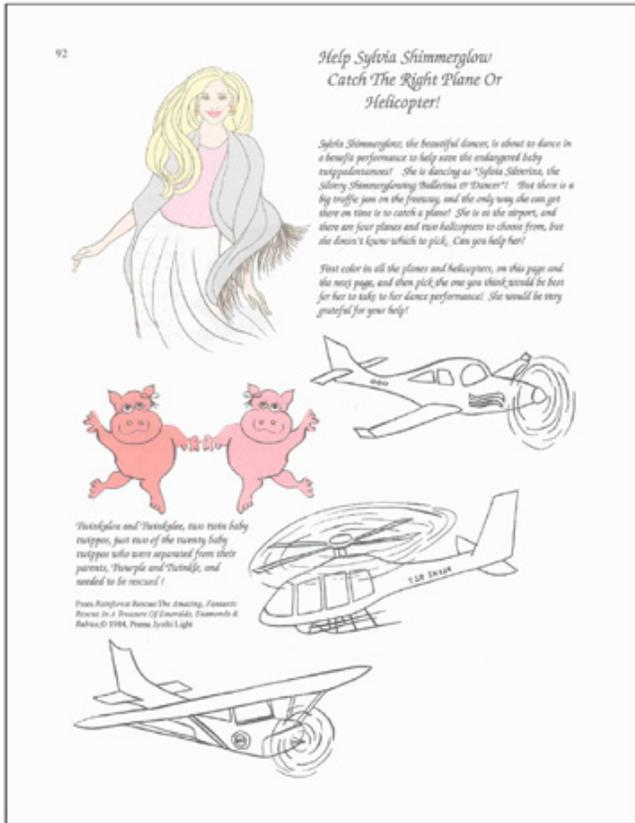


portrayed in pastel tones, which apparently did not merely blacken well! So instead, someone on the USPTO staff, intent on worsening their scan of the paper Specimen, did a black-and-white scan of the full-color document, instead of a grayscale scan, to lose the midtones, both overlightening it and overdarkening it so that only the outlines showed, but dark enough to blur the type. The fringe on SYLVIA’s shawl is quite dark, but normal gray tones have been dropped out. (See Image # 28.) Please note that if the scan had simply been carelessly darkened, then the midtones would have been darkened too. If the scan had just been carelessly lightened, then the fringe on the shawl wouldn’t be so dark. Upping the contrast on a black-and-white (not a grayscale) scan both overlightened it and overdarkened it. The finished results were then skewed. But, why work on an image to make it worse? This is not what the USPTO has hired people to do. This was a breach of the public trust.

The apparently intentional mishandling of the image for Applicant Light's "SYLVIA SHIMMERGLOW" Specimen is herein listed as extreme Document Mishandling Incident # 27.

Image # 31 - Sylvia Shimmerglow pages,
Page 92 from
"Triple-Shimmering Playbook"
ditched by USPTO staff from
earlier online case Records.

Image # 32 - Sylvia Shimmerglow pages,
Page 93 from
"Triple-Shimmering Playbook"
ditched by USPTO staff from
earlier online case Records.



Incident # 28.

SYLVIA SHIMMERGLOW pages, shown above (Images ## 31 & 32), were in the TRIPLE-SHIMMERING PLAYBOOK, which was filed as a Specimen for this case on 07-09-01 and refiled on 07-31-01, but entirely ditched from the early online Records. This Specimen did reappear on the Record for this case, in TSDR Document # 20 on 02-10-04, after having been ditched from the online Records for about three years. However, oddly enough, when this PLAYBOOK Specimen also reappeared on the Record, on the same date, for the SHIMMERING RAINFOREST Trademark, the above-shown pages were among a chunk of TWELVE pages which were simply "dropped off" of the scanned-in TRIPLE-SHIMMERING PLAYBOOK, for that

Trademark. Conclusion: SYLVIA SHIMMERGLOW, also known as SILVERINA, THE SILVERY SHIMMERGLOWING BALLERINA, and possibly the little TWIPPADOTTAMOES portrayed with her on the above-shown pages, may have been the object of a desired “nab”, or theft of intellectual property. Otherwise, why ditch the images at all? Intentionality is in question here. However, luckily, all the pages which “went missing” from the online Records for SHIMMERING RAINFOREST, were included in the full-color scans appearing in the Records for both SHIMMERING BALLERINAS & DANCERS, and the sister Trademark SHIMMERING BREEZES, ON 02-04-10. But, the ditching of the SYLVIA SHIMMERGLOW, also known as SILVERINA, THE SILVERY SHIMMERGLOWING BALLERINA, pages in the TRIPLE-SHIMMERING PLAYBOOK, along with the whole PLAYBOOK, is listed herein as Document Mishandling Incident # 28, as possibly motivated by intentions related to theft of creative property.

Image # 33 - Specimen #4,
“Girls With Flowers In Their Hair”
Cover Page, double or triple scanned, to make
it look worse, & skewed, by USPTO staff,
for TSDR Document # 001.

Image # 34 - Specimen #4,
“Girls With Flowers In Their Hair”
Cover Page, in color, as originally filed,
as shown in TSDR Document # 021,
dated 02-10-04.

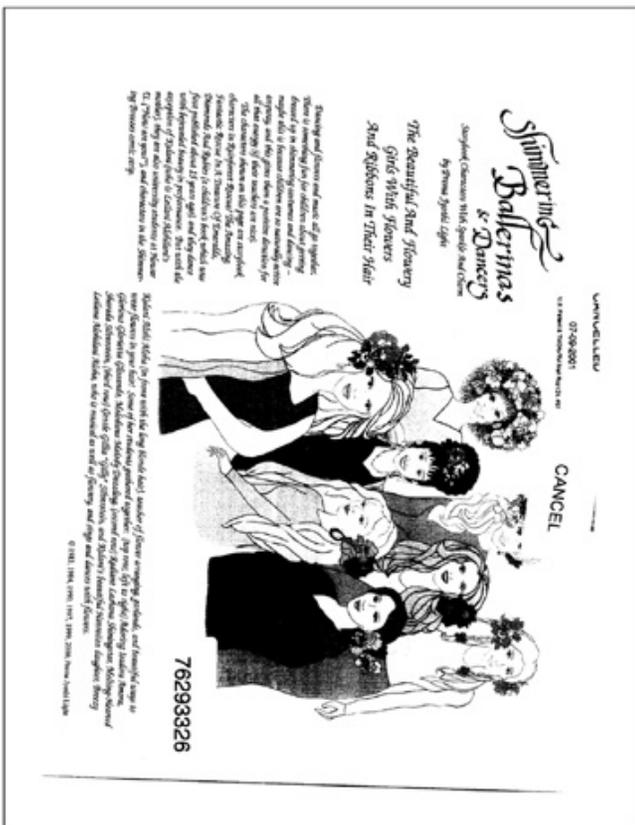
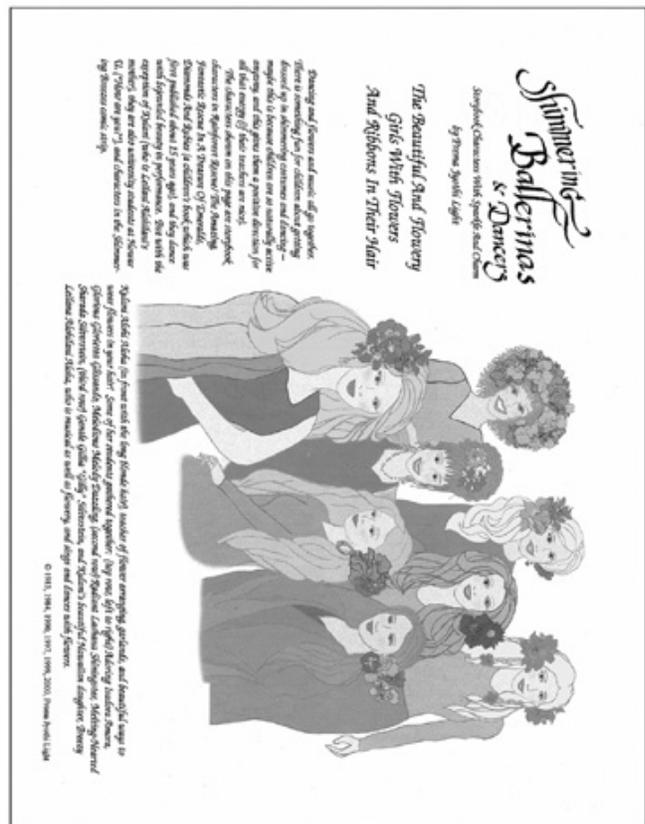


Image # 35 - Specimen #4,
“Girls With Flowers In Their Hair”
as a normal grayscale scan,
as it could have and should have been
originally done for online Records.

Image # 36 - The way this would have looked if
simply a way-overdarkened grayscale image
for “Girls With Flowers In Their Hair”.



Incident # 29.

Specimen #4 for this case, “The Beautiful And Flowery Girls With Flowers In Their Hair”, was also a greatly worsened scan, done by someone on the USPTO staff. This is illustrated by Images ## 33, 34, 35 & 36. Image # 33 shows the worsened and skewed scan placed on the Record in TSDR Document # 001. Image # 34 shows the full-color scan which reappeared on the Record on 02-10-04, which gives a better idea of what the Specimen actually looks like. Image # 35 shows what a normal grayscale scan of the Specimen would look like. Image # 36 shows the way this Specimen would have looked if it were simply a way-darkened grayscale image. In Image # 33, all of the midtones were dropped out. The image was done in high-contrast black-and-white, both overlightened and overdarkened, obliterating details and causing the type to blur. Dresses, hair, and some hair flowers have been blackened, while hair, shirts and a shawl have been whitened. A CANCEL sticker

was slapped across Glorious Glorietta's face (standing in the back row), and the whole image was then skewed.

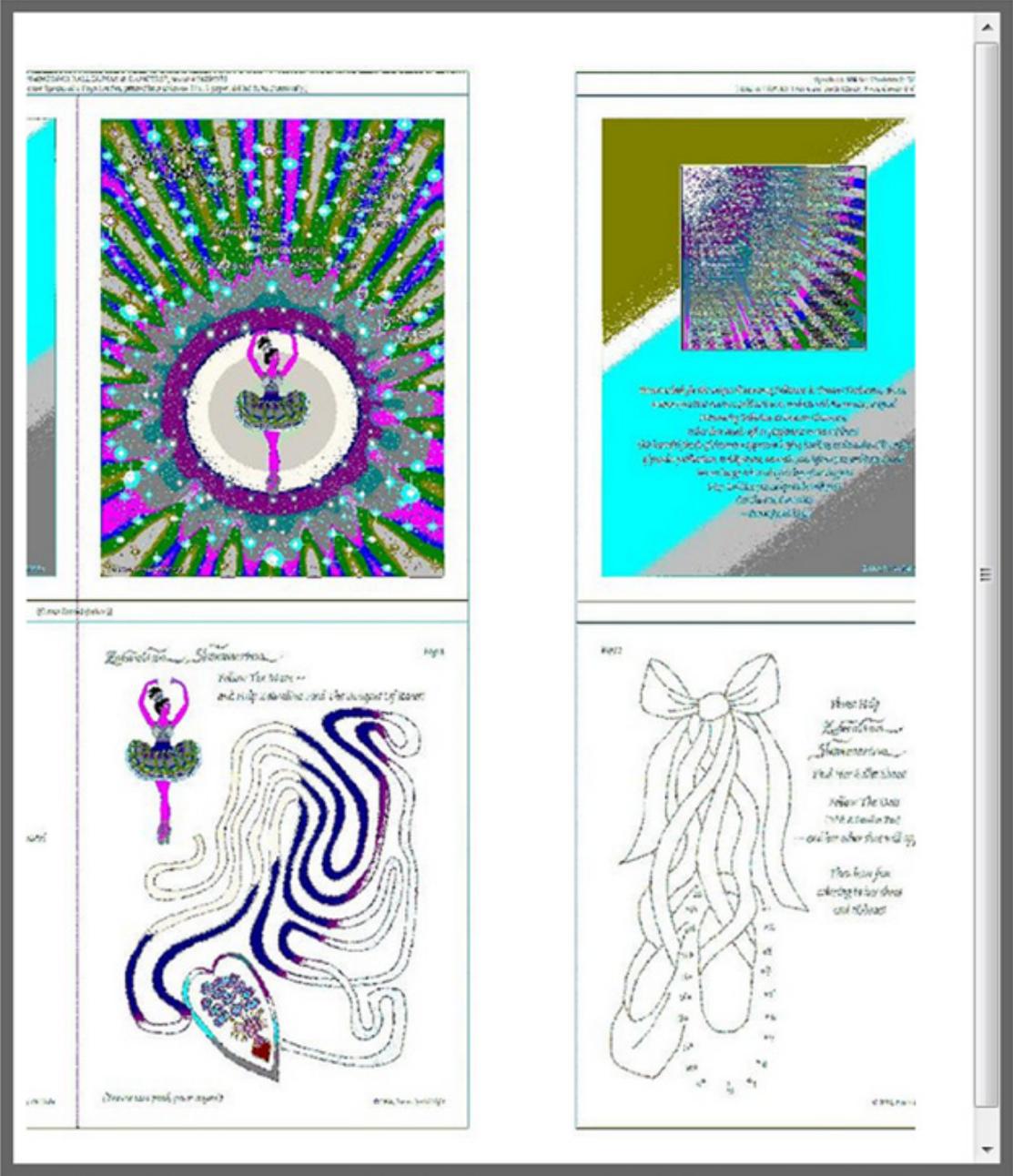
Conclusion: someone worked on this scan, to make it look worse. The mishandling of this scan of the filed paper document is listed herein as extreme Document Mishandling Incident # 29.

Image # 37 - "Meet Zahralina Shimmerina" Specimen, image badly altered by USPTO staff, in TSDR Document # 083, dated 02-06-13.

USPTO TSDR Case Viewer 

Case Id: 76293326 Document Description: 7. Specimen Mail/Create Date: Feb. 06, 2013

[Download PDF](#) [Prev Doc](#) of [Next Page](#)



The image displays a screenshot of the USPTO TSDR Case Viewer interface. At the top, it shows the case ID (76293326), document description (7. Specimen), and mail/create date (Feb. 06, 2013). There are navigation buttons for 'Prev Doc', 'Next Page', and a 'Download PDF' button. The main content area is divided into four panels. The top-left panel shows a colorful, abstract, circular pattern with a ballerina in the center. The top-right panel shows a distorted, skewed version of the same pattern. The bottom-left panel shows a drawing of a ballerina next to a large, complex maze. The bottom-right panel shows a drawing of a ballerina next to a large, complex maze with a bow at the top.

Incident # 30.

There was severe document mishandling of the image for the Specimen, “MEET ZAHRALINA SHIMMERINA, THE LILTINGLY LOVELY & DAZZLING BALLERINA”. It was bizarrely altered and placed into TSDR Document # 083 by USPTO staff (see Image # 37). Then see Image # 38 herein, which shows this color Specimen as filed.

There is quite a difference between the two images. What did the USPTO staff do? They distorted the color, overexposed it, made the images and type unreadably blurry, and completely misrepresented the image.

This could not have been accidental, or just due to carelessness. Someone clearly tried to wreck the presentation of this image. Applicant Light complained up the line, to supervisors in other departments. She knew that the Examining Attorneys would not do anything to set this straight.

As a result, later, someone got someone to do a bit better version, which was back-dated to the same date as Image # 37, 02-06-13. Still, the color is weirded out, overexposed, and the type blurred unreadably (TSDR # 084). So ... later, a third version was done, more accurately, but again back-dated to the same date of 02-06-13 (TSDR # 085) Currently, all three versions remain on the Record. Why leave all of them there?

These three versions were NOT done on the same date.

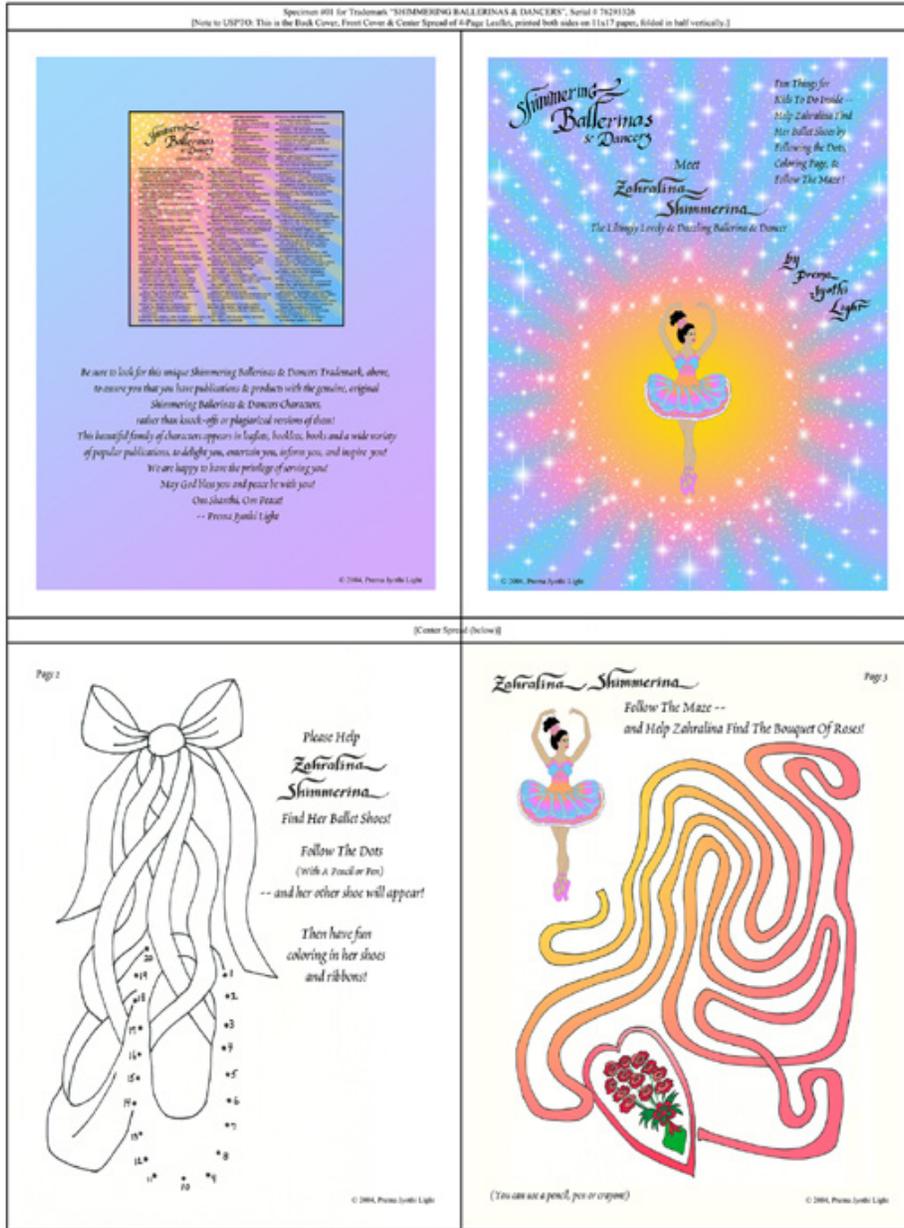
This whole set of actions is herein listed as extreme Document Mishandling Incident # 30.

Incident # 31.

The “Zahralina Shimmerina” Specimen was accompanied by a text document, titled “SPECIMEN TO ACCOMPANY RESPONSE TO OFFICE ACTION FOR REVIVED TRADEMARK “SHIMMERING BALLERINAS & DANCERS”.

On 01-28-13, Applicant Light filed a timely PETITION TO REVIVE TRADEMARKS. Her RESPONSE TO OFFICE ACTION came in a few minutes after midnight, East Coast Time, on the deadline day for that response, though it was still on the proper day in Colorado. As a result, her Trademarks were deemed “abandoned” by Examining Attorney Lavache, and she was required to file a Petition to Revive the Trademarks,

Image # 38 - "Meet Zahralina Shimmerina" Specimen, as filed, 02-06-13.



to “un-abandon” them. The Notice of Revival for the Trademark SHIMMERING BALLERINAS & DANCERS was issued Friday, 02-01-13, and the following Wednesday, 02-06-13, Applicant Light filed the Specimen in support of her RESPONSE TO OFFICE ACTION.

She had waited to file the Specimen until the Petition to Revive was granted, so that the Specimen didn’t get “lost” in any paperwork shuffle between. So much Document Mishandling has occurred with her docu-

ments, and she didn't want to file the Specimen until the Trademark was deemed "un-abandoned" and revived.

Please see the next page for what was done by USPTO staff to Applicant Light's document, titled "SPECIMEN TO ACCOMPANY RESPONSE TO OFFICE ACTION FOR REVIVED TRADEMARK "SHIMMERING BALLERINAS & DANCERS", by "chopping and swapping", something they also did to quite a few pages of her documents for SHIMMERING RAINFOREST.

In doing the "converted pdf" pages, someone on the USPTO staff chopped the pages in half, and then swapped sides, to make the document completely unreadable. Please compare their altered version of Page 1, on the left, with the original PDF page, as filed, on the right. When they do this, they also usually "break the link" to the original PDF, so that anyone wishing to read the document online cannot read the "converted pdf" pages, and cannot access the Original PDF either. This is destructive. Please see the next page for Page 2 of the document. After Applicant complained up the line, to supervisors in other departments, someone finally re-connected the link to the original PDF, temporarily at least.

They did the same thing to Page 2 as to Page 1. At least this "goes with" the wreckage of the image for the Specimen, as detailed above in Incident # 30. This is not accidental either. USPTO staff members have done this all over the place with documents for the sister Trademark, SHIMMERING RAINFOREST (see concurrently filed MOTION for that Trademark too).

The chopping up of pages, and swapping halves, to make documents unreadable, for the text document accompanying the "Zahralina Shimmerina" Specimen filed 02-06-13, is herein listed as Document Mishandling Incident # 31.

Incident # 32.

The REQUEST FOR RECONSIDERATION, claiming Acquired Distinctiveness, WAS DEFINITELY ATTACHED to Applicant's filing on 12-15-09, which currently stands as TSDR Document # 049. Applicant did two parallel filings, in which Acquired Distinctiveness was claimed, for SHIMMERING BALLERINAS & DANCERS, and for SHIMMERING RAINFOREST, on the same day.

Image # 39 - Text Document filed 02-06-13, Page 1, accompanying “Zahralina” Specimen, as altered to be unreadable, & uploaded by USPTO staff, in TSDR Document # 083.

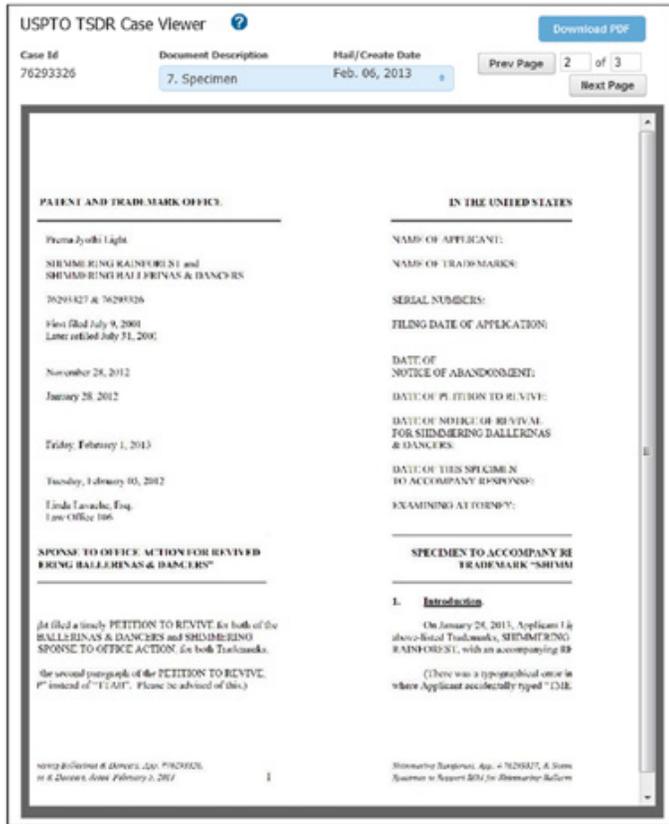
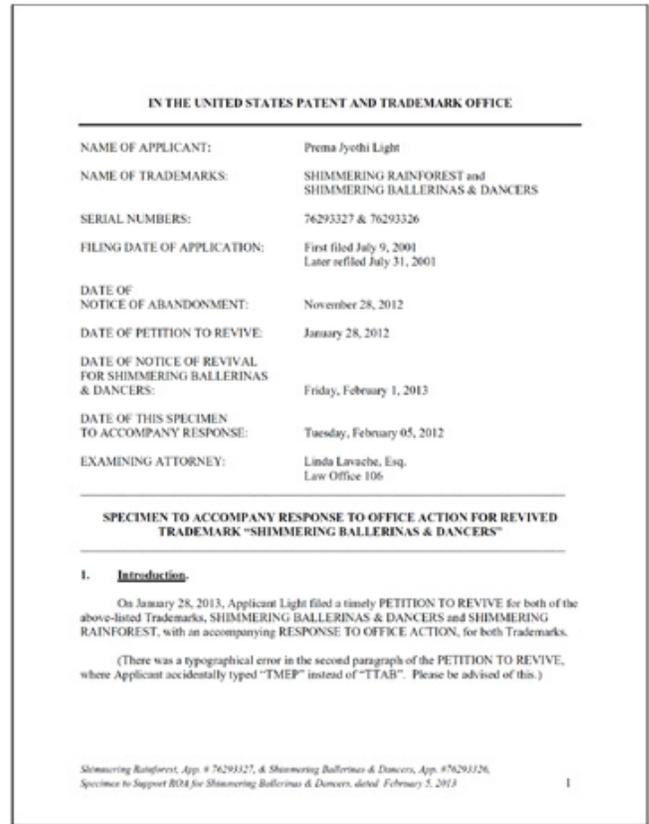


Image # 40 - Text Document filed 02-06-13, Page 1, with “Zahralina” Specimen, as filed by Applicant, completely and easily readable, with “broken” link to original PDF re-connected.



Applicant has no problem attaching attachments; the system lets an applicant know when a document has been successfully attached.

This pdf was sent, received, AND RESPONDED TO by Examining Attorney Gast. It was much later REMOVED from the Record by someone on the USPTO staff, who tinkered with the Record to make it look as if it had never been received, to cause a problem for the case.

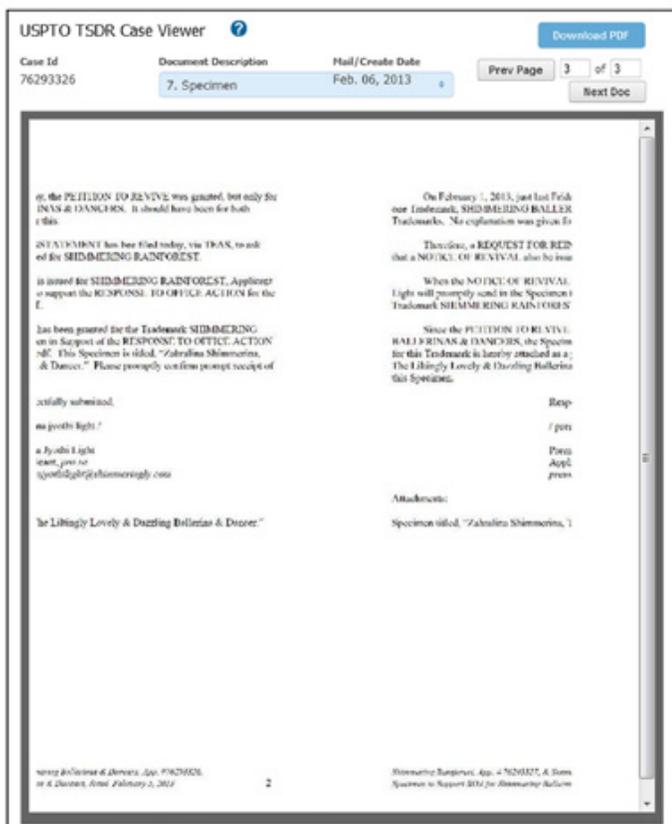
This was later addressed by the TTAB, who allowed Applicant Light to resubmit this filing, regardless of why it disappeared, in its Order dated 03-02-11, TTAB Document # 050.

She then did so on 06-06-11, TTAB Document # 056. However, since her resubmitted document was also responding to the TTAB Orders, it was not just the document originally attached on 12-15-09.

Therefore, the exact PDF which was ditched, by someone on the USPTO staff, from TSDR Document

Image # 41 - Text Document filed 02-06-13, Page 2, accompanying “Zahralina” Specimen, as altered to be unreadable, & uploaded by USPTO staff, in TSDR Document # 083.

Image # 42 - Text Document filed 02-06-13, Page 2, with “Zahralina” Specimen, as filed by Applicant, completely and easily readable, with “broken” link to original PDF re-connected.



049, is hereby attached again with this MOTION (see “Supporting PDFs List” on page v of this MOTION.)

If someone on the USPTO staff ditches this attachment again, it would be ANOTHER Document Mishandling Incident. The ditching of the original document is listed herein as Document Mishandling Incident # 32.

Incident # 33.

TSDR Document # 065, titled “Amended Drawing”, dated 04-17-12, is not an Amended Drawing; it is the same original Drawing as filed on July 09, 2001, and July 31, 2001, and Applicant did not ever submit it as an Amended Drawing. This was wrongly placed on the record as an Amended Drawing, and should be removed. This is listed herein as Document Mishandling Incident # 33.

Incident # 34.

TSDR Document 068, titled “Preliminary Amendment”, dated 04-25-12, titled “NOTICE OF ERRORS

IN USPTO ONLINE RECORDS FOR TRADEMARKS & REQUEST FOR CORRECTIONS”, was never directly responded to. In this document, Applicant objected to her original Drawing being inserted into the record as an Amended Drawing, when this was not an Amended Drawing.

TSDR Document 067, dated 04-27-12, titled “Note to the File” (please note that this is not a note to the Applicant – just a note to the File), states,

“At the request of the newly assigned examining attorney, on 04/17/2012, the Legal Instruments Examiner reinstated in TRAM the original drawing of record filed with the application. The amended drawing that had appeared in TRAM was not accepted by the previous examining attorney. Per TMEP Section 807.17, “If the unacceptable amended drawing has been entered into the automated records of the USPTO, the examining attorney must ensure that the automated records are modified to reflect that the previous drawing is operative.” In this case, the original drawing submitted with the application remains operative and therefore it has been restored to the automated record. Id.”

It is worthy of note that “Notes to the File”, such as those posted in the Record by Examining Attorney Lavache on 04-27-12 and 04-28-12, are not Office Actions or Responses to an Applicant. Examining Attorney Lavache checked off a line called “Other”, in her Note to the File dated 04-28-12, with the comment, “Examining attorney processed applicant’s 04-25-2012 communication.”

However, she never responded to Applicant Light. Ms. Light did not think her concerns were addressed or responded to by the Examining Attorney. And, the requested Corrections were never made. Applicant never even noticed the “Notes to the File” in the online Record until months later.

TSDR Document 068, also titled “Note to the File”, dated 04-28-12, from Examining Attorney Linda Lavache, is a form with a box checked off and the note, “Examining attorney processed applicant’s 04-25-2012 communication.” However, an Examining Attorney cannot create an Amended Drawing without consulting with a consenting Applicant, and the original Drawing is not an Amended Drawing. Therefore, this issue still needs to be resolved, by the removal of the procedurally incorrect and inaccurately titled “Amended Drawing”. Keep in mind that she is mis-labeling the Original Drawing as an Amended Drawing, and then sticking a suggested Drawing from EIGHT YEARS LATER, into the Record as “Original Drawing Restored” This is all just malarkey, and completely wrong. This is listed herein as Document Mishandling Incident # 34.

Incident # 35.

TSDR Documents # 008 and # 009 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

Incident #36.

TSDR Documents # 010 and # 011 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

Incident #37.

TSDR Documents # 014 and # 015 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

Incident #38.

Document 73, titled “Preliminary Amendment”, dated 05-29-12, is actually a “REQUEST FOR EXTENSION OF TIME DUE TO USPTO ERROR”. (The category of “Voluntary Amendment” was the only category Applicant could find on TEAS to file this Document). The pdf was successfully attached to this document, for both SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS. However, someone on the USPTO staff ditched the attached pdf. It definitely WAS ATTACHED.

Applicant Light has no problem carefully attaching documents to her online filings. This is a step-by-step procedure, with confirmations each step of the way.

Applicant Light has a problem with her successfully-attached attachments being ditched by USPTO support staff. As a result, she now feels she has to file her attachments separately, with separate tracking numbers and confirmation receipts. This is due to mishandling of her documents by USPTO support staff. The attached pdf is again attached to this MOTION, and its inclusion requested in the Record. This ditching of

an attached pdf, by USPTO staff, is listed herein as Document Mishandling Incident # 38.

Incident # 39.

The incomplete Design Codes entered by the Examining Attorneys, as addressed in Applicant Light's APPEAL BRIEF and REPLY BRIEF, have affected Design Code searches by the public for over TWELVE YEARS. Applicant's original Trademarks, both SHIMMERING BALLERINAS & DANCERS and SHIMMERING RAINFOREST, were done in flag designs, which is how Applicant Light has long referred to them, in her documents filed with the USPTO.

Yet, the single Design Code assigned to each of these two Trademarks, by the Examining Attorneys, is "plain, single-line rectangle". However, this is a Special Form Trademark, not a standard character Trademark. Applicant Light is a graphic designer, and the contents of the rectangles have been artfully designed.

The only Design Code ever assigned to these Trademarks, by the Examining Attorneys, simply pertains to the outer bounding box, a light rule around the Trademarks, not the contents of those bounding boxes.

The currently assigned, and only, Design Code would only be correct and comprehensive, IF THE TRADEMARKS WERE EMPTY BOXES. And, they are not.

The two Trademarks are DIFFERENT TRADEMARKS, separately filed, and not the same. Yet, the same single Design Code has been assigned to each. This would only be accurate IF THE TWO TRADEMARKS WERE THE SAME, AS WELL AS BEING EMPTY BOXES. They are different Trademarks, and one Design Code does not cover both of them, because it does not cover the contents of the outer bounding boxes.

The Examining Attorney has refused to correct this, and yet complains that new Design Codes might be necessary if Applicant Light registers her Trademark in color, and that this is therefore a good reason to refuse to allow her to register the color versions of her black-and-white Trademark. This is despite the fact that TMEP § 807.14(e)(i), states: "If a mark is initially depicted in a black-&-white special form drawing in which no color is claimed, the drawing is presumed to contemplate the use of the mark in any color, **without limitation.**" [Emphasis added.]

The USPTO is refusing to allow Applicant Light to register the color version of her Trademarks, because they say that background colors might cause new searches to have to be made. But, new Design Codes are needed anyway, even for the black-and-white versions of the Trademarks.

All the USPTO needs to do is “update the design codes”, which is easily allowable under the TMEP. This is a simple matter.

This mishandling of the Design Codes problem is herein listed as Document Mishandling Incident # 39.

Incident #40.

The listing of literal elements for this Trademark, as compiled by USPTO typists, as mentioned in the document titled RESPONSE TO OFFICE ACTION, filed 01-28-13, contained FOUR (4) typographical errors, which Applicant caught as of that date. This is listed herein as Document Mishandling Incident # 40.

Incident #41.

As of the date of Applicant’s APPEAL BRIEF, filed 06-04-13, there were FIVE (5) more corrections requested for this Trademark, of typographical errors by USPTO staff, in the listing of literal elements for SHIMMERING BALLERINAS & DANCERS. (See page 9 of this APPEAL BRIEF.) This is listed herein as Document Mishandling Incident # 41.

Incident # 42.

At the present time, as of the writing of this MOTION, two of the previously requested corrections of USPTO errors in the literal listings, remain uncorrected. These are as follows:

- 1) “PETALINA DANCER IN A SHOWERSOF PETALS” should be:
“PETALINA, DANCER IN A SHOWER OF PETALS”; and
- 2) “RUSHING RIVER SHIMMERINA, THE SHIMMERING RIVERS BALLERINA” was typed twice by mistake, and should only have been typed once; they did a duplicate listing by accident; this has not yet been corrected.

These previously-requested, but as yet uncorrected, typographical errors by the USPTO, are both togeth-

er listed herein as Document Mishandling Incident #42.

Incident # 43.

There are also SEVEN (7) newly-caught typographical errors, made earlier by USPTO staff members, in the listing of literal elements, which were made before Applicant's RESPONSE TO OFFICE ACTION dated 01-28-13, but not yet caught at that time. This does not include earlier errors caught and listed in the Applicant's APPEAL BRIEF. These newly-caught typographical errors, made earlier by USPTO staff, are as follows:

- 1) "MISTI SHIMMERING THE SHIMMERING MIST BALLERINA & DANCER", which should be:
"MISTI SHIMMERINA THE SHIMMERING MIST BALLERINA & DANCER".
- 2) "LUMINESSA, THE DANCER OF LIMINOUS LIGHT", which should have been:
"LUMINESSA, THE DANCER OF LUMINOUS LIGHT".
- 3) "BREEZARINA, THE BREEZY BALLERINA & DANCER" should have been:
"BREEZARINA, THE BREEZEY BALLERINA & DANCER".
- 4) "STARLIGHT GLOW SHIMMERINA, THE SHIMMERING GLOW OF STARLIGHT BALLERING & DANCER", should have been: "STARLIGHT GLOW SHIMMERINA, THE SHIMMERING GLOW OF STARLIGHT BALLERINA & DANCER".
- 5) "CARESSINA SHIMMERINA, THE CARESS OF SHIMMEING WINDS BALLERINA & DANCER", should have been: "CARESSINA SHIMMERINA, THE CARESS OF SHIMMERING WINDS BALLERINA & DANCER".
- 6) "LIGHTERINA, THE DANCING LIGHTLY LIGHTHEARTED DANCER" should have been:
"LIGHTERINA, THE DANCING LIGHTLY LIGHT-HEARTED DANCER".
- 7) "THE SHIMMERINGLY, SERIOUSLY GOURGEOUS & COOL BALLERINAS & DANCERS" should have been "THE SHIMMERINGLY, SERIOUSLY GORGEIOUS & COOL BALLERINAS & DANCERS".

These errors were verifiably on the Record, at that time, and are even found on page 10-12 of Appli-

cant's ROA dated 01-28-13. The listings of literal elements on these pages are a direct cut-and-paste from the online Status pages for this Trademark at that time. Applicant still has the online Status pages as of that date, available as evidence if needed.

These are newly-caught typographical errors to the listing of literal elements for this Trademark, made as of 01-28-13 by USPTO staff, are listed herein as Document Mishandling Incident #43. Three of these (the errors in the "CARESSINA", "LIGHTERINA", and "THE SHIMMERINGLY, SERIOUSLY GORGEOUS & COOL BALLERINAS & DANCERS" entries were much later corrected, without even having yet been requested -- thank you, whoever did this -- but the other four errors are still in need of correction. Still, these all go into the total tallies of USPTO errors in the literal listings.

Incident # 44.

FOUR (4) more NEW TYPOGRAPHICAL ERRORS have been made, by USPTO staff, in the listing of literal elements for this Trademark, SINCE THE FILING OF APPLICANT'S APPEAL BRIEF 06-04-13, and the filing of the supporting EXHIBITS.

The fact of four new errors being added to the Record, after the filing of Applicant's APPEAL BRIEF and supporting EXHIBITS, is listed herein as Document Mishandling Incident # 44. Some are individually highlighted hereinbelow.

Incident # 45.

The first of these newly-made errors is: "LUMINESSA, THE DANCER OF LUMIA". This stands out, because it is a typographical error, made on top of their previous typographical error, which was: "LUMINESSA, THE DANCER OF LIMINOUS LIGHT". The correct entry, as shown in the actual original Trademark, was: "LUMINESSA, THE DANCER OF LUMINOUS LIGHT".

This appears in the Trademark just above the Spanish entry of "LUMINOSA DE LUZ". Someone saw the previous typographical error, which USPTO staff had made in this listing, and instead of correcting it -- made it worse! This needs prompt correction. This is listed herein as Document Mishandling Incident #45.

Incident # 46.

The next of these newly made errors, made SINCE THE FILING OF APPLICANT'S APPEAL BRIEF 06-04-13, is the REMOVAL, and LEAVING OUT, of a complete entry, MARINA THE REFLECTING BALLERINA. Literal elements, fanciful terms, in the Trademark should not be completely and arbitrarily REMOVED from the Trademark! This fanciful group of words should be promptly reinstated to the Record. The recent removal of this fanciful group of words is listed herein as Document Mishandling Incident # 46.

Incident # 47.

The next of these newly-made errors, made SINCE THE FILING OF APPLICANT'S APPEAL BRIEF 06-04-13, is the REMOVAL of a complete entry, LIMINOSA DE LUZ, a set of fanciful terms in Spanish. (This was supposed to be LUMINOSA DE LUZ, but one of Applicant's typists made a typographical error in the original Trademark. Permission to correct this single-letter typo has been requested.) Now someone on the USPTO staff has removed the entire set of fanciful terms. It should be reinstated to the Record. Since these are Spanish words, this could be related to the following Incident. Both Incidents could involve religious and racial prejudice, as explained hereinbelow. This REMOVAL of an entire entry, of Spanish words, from the listing of literal elements for this Trademark, is herein listed as Document Mishandling Incident # 47 (cuarenta y siete).

Incident # 48.

The next of these errors. newly-made since the filing of Applicant's APPEAL BRIEF 06-04-13, is: "WINTERINA, THE BEAUTY OF SNOWY WINTER BALLERINA Y WINTER BALLERINA". This listing should be: "WINTERINA, THE BEAUTY OF SNOWY WINTER BALLERINA".

"Y" is the Spanish word for "and". Why would someone add a Spanish word to this listing, followed by two extra words which are not in the original Trademark? "Y WINTER BALLERINA" does not belong in this listing of literal elements, This should be removed.

Applicant Light (whose Spanish is good! -- she has studied Spanish for many years!) has been under harsh persecution by latinos in her neighborhood, because they have been "stealing" her latino and latina sto-

rybook characters. Why? They found out that she had created some latino and latina storybook characters, but was not a latina herself. So, as they have told others, they decided that “she did not have the right” to do latino or latina characters because she is not a latina herself, and they “would take these right off her hands.” This, unfortunately, is theft of intellectual property, which is illegal, as well as unethical. They have also made threats against her life and safety, if she attempts infringement litigation, and they may be responsible for the unsolved incident of wrecking her car.

The purpose of having latino and latina characters in her storybooks, as well as black characters, white characters, Asian characters, Italian characters, Scottish and Irish characters, and other races, as well as a variety of different religions among her characters, has been to promote goodwill and peace among people of all different races and religions! She is deeply disappointed that latino neighbors have been deliberately stealing her storybook characters, and expressions and lines from her Trademarks, books and leaflets.

Still, Applicant Light has faith that there are beautiful, more ethical latininos and latininas out there in our world today.

This newly-made error seems to be related to Incident # 47, because both involve Spanish words, and may be related to the latino vendetta which has victimized Applicant in her neighborhood. This additional mishandling involving adding in a Spanish word, and altering a group of fanciful terms, is listed herein as Document Mishandling Incident # 48 (cuarenta y ocho).

Incident # 49.

What is a typographical error? It is of value here to tally the errors of the USPTO staff, in their typing up the listing of literal elements from the original the Trademarks, in the following categories. This scorecard is really a summary. The purpose is not to enlarge the total number of errors, but to show the categories in which they fall, and the kinds of errors which have been made. For accuracy, the errors are listed, as well as tallied. Some errors fall in more than one of the following ten categories.

(1) One-letter typographical errors -- one letter added, deleted, or mistakenly typed:

- (2) Two-letter typographical errors -- two letters added, deleted, or mistakenly typed;
- (3) Three-letter typographical errors -- three letters added, deleted, or mistakenly typed;
- (4) One-word typographical errors;
- (5) Multiple-word typographical errors;
- (6) Punctuation errors;
- (7) Spacing errors;
- (8) Leaving out an entire entry, multiple-word fanciful term, or group of words;
- (9) Adding in an entire entry, multiple-word fanciful term, or group of words;
- (10) Mistakenly typing the same entry, multiple-word fanciful term, or group of words, twice.

Now, let us look at the USPTO staff members' typographical errors, in the above-mentioned categories, in the SHIMMERING BALLERINAS & DANCERS Trademark, and then catch the final tallies so far:

- (1) One-letter typographical errors:
 - (001) JUMM [should have been JUMA];
 - (002) BREEZARINA, THE BREEZY BALLERINA & DANCER [should have been: BREEZARINA, THE BREEZEY BALLERINA & DANCER];
 - (003) CARESSINA SHIMMERINA, THE CARESS OF SHIMMEING WINDS BALLERINA & DANCER [should have been: CARESSINA SHIMMERINA, THE CARESS OF SHIMMERING WINDS BALLERINA & DANCER];
 - (004) GLORIOUS GLORETTA THE GLORIOUSLY GLORIOUS BALLERINA & DANCER [should have been: GLORIETTA , not GLORETTA];
 - (005) LUMINESSA, THE DANCER OF LIMINOUS LIGHT [should have been: LUMINESSA, THE DANCER OF LUMINOUS LIGHT];
 - (006) MISTI SHIMMERING THE SHIMMERING MIST BALLERINA & DANCER [should have been: MISTI SHIMMERINA THE SHIMMERING MIST BALLERINA & DANCER];

- (007) PETALLINA DANCER IN A SHOWERSOF PETALS [should have been: PETALINA];
- (008) Second error in the above listing is: SHOWERSOF PETALS, which has an extra “S” after SHOWER;
- (009) RAINSHOWERINA, THE AFTER-THE-RAIN-RANBOW BALLERINA & DANCER [should have been: “RAINBOW” instead of “RANBOW”];
- (010) SHIMMER SHIMMERINA, THE SHIMMERING BALLERINA & DANCE OF SHIMMERING LOVE WITH FLOWERS [should have been: DANCER, not DANCE];
- (011) “THE SHIMMERINGLY, SERIOUSLY GOURGEOUS & COOL BALLERINAS & DANCERS” should have been GORGEIOUS, not GOURGEOUS];
- (012) “STARLIGHT GLOW SHIMMERINA, THE SHIMMERING GLOW OF STARLIGHT BALLERING & DANCER [should have been: BALLERINA, not BALLERING].
- (2) Two-letter typographical errors:
- (001) Leaving off the DE in LUMINOSA DE LUZ was a 2-letter omission;
- (3) Three-letter typographical errors;
- (001) Leaving off the LUZ in LUMINOSA DE LUZ was a 3-letter omission;
- (002) Leaving off the THE in MARINA THE REFLECTING BALLERINA was a 3-letter omission;
- (4) One-word typographical errors;
- (001) SHIMMER SHIMMERINA, THE SHIMMERING BALLERINA & DANCE OF SHIMMERING LOVE WITH FLOWERS [should be DANCER, not DANCE; DANCE is actually a different word from DANCER; the DANCER is not the DANCE];
- (002) MISTI SHIMMERING THE SHIMMERING MIST BALLERINA & DANCER [should be: MISTI SHIMMERINA THE SHIMMERING MIST BALLERINA & DANCER; this is also a word-error, as the term SHIMMERINA is a fanciful word coined by Applicant Light, different from the word SHIMMERING];

(003 - 005) LUMINESSA, THE DANCER OF LUMIA [this is a three-word error, as “LUMIA” is a word made up by USPTO staff members, and they left out two others. The actual word cluster is: “LUMINESSA, THE DANCER OF LUMINOUS LIGHT”, so they left out two real words, LUMINOUS and LIGHT.

(006 - 008) Leaving off the entire entry of LUMINOSA DE LUZ was, among other things, an error of THREE words;

(009 - 012) Leaving off the entire entry of MARINA, THE REFLECTING BALLERINA was, among other things, an error of FOUR words;

(013-015) WINTERINA, THE BEAUTY OF SNOWY WINTER BALLERINA Y WINTER BALLERINA [this is an error of THREE words, which should not have been added onto the entry;

(016 - 022) Typing in RUSHING RIVER SHIMMERINA, THE SHIMMERING RIVERS BALLERINA, twice, was, among other things, an error of SEVEN words;

(5) Multiple-word typographical errors;

(001) LUMINESSA, THE DANCER OF LUMIA [This was, among other things, a multiple-word error;

(002) Leaving off the entire entry of LUMINOSA DE LUZ was, among other things, a multiple-word error;

(003) Leaving off the entire entry of MARINA, THE REFLECTING BALLERINA was, among other things, a multiple-word error;

(004) WINTERINA, THE BEAUTY OF SNOWY WINTER BALLERINA Y WINTER BALLERINA” was, among other things, a multiple-word error;

(005) Adding in GLORIOUSLY BRIGHT FAITH LIGHT was, among other things, a multiple-word add-in error, on the part of USPTO staff;

(6) Punctuation errors;

(001) LIGHTERINA, THE DANCING LIGHTLY LIGHTHEARTED DANCER should have been:
LIGHTERINA, THE DANCING LIGHTLY LIGHT-HEARTED DANCER.

(002) THE TWO DIZZY DAMES BALLERINAS [should be followed by a colon:
THE TWO DIZZY DAMES BALLERINAS:].

(7) Spacing errors;

(001) In LIGHTERINA, THE DANCING LIGHTLY LIGHTHEARTED DANCER, the spacing error
was: LIGHTHEARTED was run together (also a punctuation error, as it was supposed to be:
LIGHT-HEARTED);

(8) Leaving out an entire entry, such as a multiple-word fanciful term or group of words;

(001) LIMINOSA DE LUZ has now been entirely removed and left out;

(002) MARINA THE REFLECTING BALLERINA has now been entirely removed and left out;

(9) Adding in an entire entry or group of words:

(001) GLORIOUSLY BRIGHT FAITH LIGHT was added in to the Trademark by the USPTO staff.

This was in a larger version of the same Trademark, which had not yet been officially filed with the Trademark Office; Applicant Light never requested that this be added. USPTO staff added it in to the listing without Applicant Light's request for this. Someone on the USPTO staff must have seen, and been familiar with, Applicant Light's other works, and the larger versions of her Trademarks, and added this in. When Applicant Light saw this, she asked that they delete it from this version of the Trademark, which they later did.

(10) Mistakenly typing the same entry, character name, or group of words, twice.

(001) RUSHING RIVER SHIMMERINA, THE SHIMMERING RIVERS BALLERINA was
mistakenly typed twice;

So, here is the tally of USPTO typographical errors in the literal elements of the SHIMMERING
BALLERINAS & DANCERS Trademark, so far, by category:

- (1) One-letter typographical errors -- TWELVE (12);
- (2) Two-letter typographical errors -- ONE (1);
- (3) Three-letter typographical errors --TWO (2);
- (4) One-word typographical errors -- TWENTY-TWO (22);
- (5) Multiple-word typographical errors -- FIVE (5) sets of words;
- (6) Punctuation errors -- TWO (2);
- (7) Spacing errors -- ONE (1);
- (8) Leaving out an entire entry, multiple-word fanciful term or group of words -- TWO (2);
- (9) Adding in an entire entry or group of words: ONE (1)
- (10) Mistakenly typing the same entry, multiple-word fanciful term, or group of words, twice -- ONE (1).

This tally, a summary by category, of USPTO staff errors in typing up the literal elements for the Trademark, SHIMMERING BALLERINAS & DANCERS, is herein listed as Document Mishandling Incident # 49.

Incident # 50.

Since the two Trademarks, SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS, are moving in tandem through the APPEAL, it is worthy of interest to note the total number of errors, by category, for the two Trademarks together, as follows. The total tally by category, for both together, is:

- 1) One-letter typographical errors --

SHIMMERING RAINFOREST: SEVEN (7)

SHIMMERING BALLERINAS: TWELVE (12)

Total Tally: NINETEEN (19)

- (2) Two-letter typographical errors --

SHIMMERING RAINFOREST: SEVEN (7)

SHIMMERING BALLERINAS: ONE (1)

Total Tally: EIGHT (8)

- (3) Three-letter typographical errors --

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: TWO (2)

Total Tally: FOUR (4)

(4) One-word typographical errors --

SHIMMERING RAINFOREST: TWENTY-THREE (23)

SHIMMERING BALLERINAS: TWENTY-TWO (22)

Total Tally: FORTY-FIVE (45)

(5) Multiple-word typographical errors --

SHIMMERING RAINFOREST: SIX (6) sets of words

SHIMMERING BALLERINAS: FIVE (5) sets of words;

Total Tally: ELEVEN (11)

(6) Punctuation errors --

SHIMMERING RAINFOREST: FOURTEEN (14)

SHIMMERING BALLERINAS: TWO (2)

Total Tally: SIXTEEN (16)

(7) Spacing errors --

SHIMMERING RAINFOREST: TWELVE (12)

SHIMMERING BALLERINAS: ONE (1)

Total Tally: THIRTEEN (13)

(8) Leaving out an entire entry, character name or group of words --

SHIMMERING RAINFOREST: ONE (1)

SHIMMERING BALLERINAS: TWO (2)

Total Tally: THREE (3)

(9) Adding in an entire entry or group of words:

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: ONE (1)

Total Tally: THREE (3)

(10) Mistakenly typing the same entry, character name, or group of words, twice --

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: ONE (1)

Total Tally: THREE (3)

This summary of tallies, of USPTO typographical errors in the literal listings, by category, for both

Trademarks together, is herein listed as Document Mishandling Incident # 50.

Incident # 51.

Another tally is a straight keystroke tally, with no duplicates listed. Unlike the categories tallies above, where some errors fall in more than one category, the keystroke tally just counts each keystroke error once. Here is the keystroke error tally for errors made by the USPTO staff in the literal listings for the two Trademarks, without any duplication or counting any error twice:

SHIMMERING RAINFOREST:	160 keystroke errors
SHIMMERING BALLERINAS & DANCERS:	174 keystroke errors
BOTH TRADEMARKS TOGETHER:	334 keystroke errors

This straight keystroke error tally is listed herein as Document Mishandling Incident # 51.

Incident # 52.

USPTO employees have obstinately persisted in deliberately misrepresenting Applicant's verbal elements for this Trademark by throwing them all into a big jumbled paragraph, without distinguishing between the clusters of words which go together, in the listing of literal elements for TSDR Status and TESS searches. In the actual Trademark itself, clusters of fanciful terms are separated, by placing them on separate lines.

To throw all of the verbal elements into one big blob is a deliberately destructive thing to do to the Applicant, to her Trademarks, and to the public. This "blob" appears on the "Status" page for the Trademark, and affects TESS searches done by the public. The current Examining Attorney Lavache REFUSES to set this straight. Therefore, someone in a supervisory capacity should set this straight. The Examining Attorney should not be personally destructive to any Applicant.

Applicant Light does not know Ms. Lavache; she has never met her; she has never even spoken to her over the phone. This is nothing personal on the part of Applicant Light. For unknown reasons, this may be something personal on the part of the Examining Attorney.

Applicant Light is a respectable Applicant, and a respectable citizen of the USA.

XII. Conclusions.

A total of FIFTY-TWO (52) Document Mishandling Incidents are listed in this MOTION FOR CORRECTIONS TO THE RECORD, for the Application for the Trademark, “SHIMMERING BALLERINAS & DANCERS”.

In addition, a separate MOTION FOR CORRECTIONS TO THE RECORD is being concurrently filed for the Application for the Trademark, SHIMMERING RAINFOREST. This describes another FIFTY (50) Document Mishandling Incidents for that sister Trademark.

The number of listed Document Mishandling Incidents, for both Trademarks together, comes to a total of ONE HUNDRED & TWO (102) Document Mishandling Incidents.

This is a truly huge amount of Document Mishandling, on the part of the USPTO.

This does not include Case Mishandling Incidents, such as an Examining Attorney issuing a Final Office Action, when the TMEP clearly calls for a Non-Final Office Action, in response to New Issues, preventing an Applicant from having the opportunity to make the Record complete before Appeal.

And, this does not include Case Mishandling Incidents, such as a refusal by the TTAB to Remand the case back to the Examining Attorney for a Non-Final Office Action, thereby preventing the Applicant from making the Record complete before Appeal.

This also does not include possible Case Mishandling Incidents, such as the TTAB then disallowing Specimens because they were not placed on the Record before the Appeal, when the Applicant’s right to do so was unfairly abrogated, and provisions of the TMEP broken, by not only the Examining Attorney, but possibly by the TTAB itself.

This MOTION is a record of Document Mishandling Incidents for this case, many of them flagrant.

This MOTION is, in its totality, a sad summary of egregious Document Mishandling Incidents, by

people working in positions of trust, and breaching that trust, in the United States Patent & Trademark Office.

Yet, it is extremely important for all documents and images to be handled honestly, carefully and ethically, by all employees of the United States Patent & Trademark Office, in accord with all provisions of the TMEP and federal law. This is why this country has a USPTO.

USPTO staff members should not be trying to wreck anyone's Trademark cases for personal reasons of their own, or possibly personal profit, or doing things like passing pdfs of artwork "under the table" to their friends to help them plagiarize interesting artwork which crosses their desks, while wrecking the documentation on the Record for the original artist and writer of the creative works.

Employees of the USPTO also should not allow religious or racial prejudice to cause them to personally harm an Applicant, by mishandling documents or images for Trademark cases. They were hired to facilitate the proper handling of the cases, not to arbitrarily wreck, damage or destroy case documents on personal whim, because of whatever is going on in their own personal lives or minds.

The USPTO staff was not hired to facilitate tossing a sincere, good and honest artist and writer's creative works into the laps of the staff members' personal friends, while trying to wreck the works and careers of the original artists and writers.

Documents submitted to the USPTO should be handled honestly, and conveyed to the Judges exactly as submitted. This does not include arbitrarily altering documents or images in a destructive way, ditching specimens, documents, or attachments, or "breaking" links in online documents so that the originals are not viewable, while making the "converted" document pages unreadable.

USPTO staff members should also not be making deliberate and numerous typographical errors, all over the place, in listing the literal elements of a Trademark, to keep the Trademark from being conveyed honestly to the Judges and to the public.

USPTO staff members made a huge mess of the original Applications, and the refiled Applications, in these two Trademark cases, for the online Records. Why would USPTO staff members breach the trust of their

positions in this way? This matter should be of serious concern to the USPTO, the TTAB, and the Court of Appeals Federal Circuit (CAFC), if the cases have to go that far.

The Document Mishandling Incidents listed in this MOTION are not comprehensive, but touch upon some of the worst offenses made by USPTO staff members in these two Trademark cases.

These Document Mishandling Incidents are not Ms. Light's fault. She has been the victim of wrongdoing by persons working in positions of trust, in an esteemed federal agency.

Yet we are living in the United States of America, where our country's ideals are traditionally so much higher than this! One somehow expects more of the United States Patent & Trademark Office.

The Record should be made complete and orderly, before a final ruling is made on the case by the TTAB. As Judges, you need accurate case Documents, for the cases which come before you, not Documents which have been wrongfully or destructively tampered with by your subordinates and other USPTO staff members. The Documents on the Record, for these two cases, have been jumbled, taken out of order, ditched, images blackened or distorted, but still left on the Record, links to original documents broken, "converted" pages scrambled, and other mistakes made which have caused the Records for these cases to be in a state of disarray.

There has been some question as to whether Applicant Light's requested typographical corrections to her Trademarks, due to errors made by her typists, should be allowed. Therefore, it is useful to analyze the typographical errors made by USPTO staff, in typing up the literal elements of the same Trademarks. Their errors are far more plenteous, and made in the same categories of errors, yet deemed excusable and correctable.

If literally **hundreds** of keystroke errors made by USPTO staff, in the listing of literal elements for these Trademarks, are deemed to be easily excusable typographical errors which can be simply corrected without any fuss, then why refuse to make the far fewer, simple typographical corrections, to errors accidentally made by Applicant's typists, which fall in some of the same categories? None of the corrections to typographical errors, made by Applicant's typists, as requested by Applicant, alter the Overall Commercial Impression of the Trademarks in any way. With all of her requested typographical corrections made, it is easy to see that the Trademark

is recognizably the same. Her requested corrections of errors made by her typists should therefore be allowed.

Incredibly, USPTO staff members have gone into the Record, to add more of errors into their listing of literal elements for Applicant's Trademarks, even AFTER the Applicant's APPEAL BRIEF, with supporting EXHIBITS, were filed. USPTO staff members have continued to add more mistakes to the listings, without making numerous corrections which were previously, formally requested by the Applicant.

Fair questions to ask: why would a USPTO staff member go into the listing of literal elements in TSDR Status, since the filing of the Applicant's APPEAL BRIEF and REPLY BRIEF with the TTAB, to make ADDITIONAL errors in the literal listings, **without** even correcting some of the previously-requested corrections? Like, just go in to make more additional errors? This seems really flagrant. Can it be determined, who did this and why?

So, what really is the bottom line, here? The tallies of USPTO errors in the literal listings for these Trademarks, by number, are seriously worthy of note, whether by categories of errors, or by keystroke. But the REAL bottom line here, is what seems to be the deliberate nature of these errors, and these numerous Incidents of Document Mishandling. There are too many of these, to simply all be inadvertent.

In each of these two Trademarks, a line was ADDED IN to the literal listings by someone at the USPTO, which was not in the original Trademarks (GLORIOUSLY BRIGHT FAITH LOVE & LIGHT, for SHIMMERING BALLERINAS, and THE YOGI PREMA FAMILY for SHIMMERING RAINFOREST). These lines were from larger versions of the Ms. Light's same Trademarks, which have not yet ever been officially filed with the USPTO. Applicant Light has never requested that these lines be added in. Someone on the USPTO staff added them in, without Applicant Light's request for this. Whoever did this must have seen, and been familiar with, Applicant Light's other works, and the larger versions of her Trademarks which are on them, and added these lines in. When Applicant Light saw this, she asked that they delete these lines from the literal listings for these smaller versions of these Trademark, which they later did. But, why would they add lines in like that?

Can you really say that none of this matters? Is this all really a big nothing? These are all USPTO er-

rors which “changed the sound of the words”, and affected the TESS searches by the public over the TWELVE-YEAR period during which these cases have been pending.

Then, there is the ditching of attachments and Specimens, the destructive blackening of images, the chopping up of text pages for the Record, and the breaking of links to the original pdfs, all wrongful actions taken by USPTO staff members towards Applicant Light.

These are all USPTO mistakes.

The USPTO wants to refuse to allow Applicant Light to register the color version of her Trademarks, because the background colors might cause new design searches may have to be made. Yet, the single Design Code assigned to each of these two Trademarks, by the Examining Attorneys, is so deplorably deficient that new Design Codes would have to be assigned anyway, for the sake of accuracy, even for the black-and-white versions of the Trademarks.

All the USPTO needs to do is “update the design codes”, as the black-&-white drawings allow for the use of color “without limitation”, under the TMEP. This should be a simple, and usually customary, matter.

The keystroke error tallies, of errors made by USPTO staff in the literal listings for these Trademarks, are truly staggering. Yet, even this kind of tally does not give you the whole picture.

A single-letter typographical error can really tell you quite a lot, such as the “Y” added to the WINTERINA entry in SHIMMERING BALLERINAS & DANCERS, which is the Spanish word for “and”. The latino community in her neighborhood has gone on a vendetta against Ms. Light, because they have snatched her latino and latina storybook characters, plagiarizing many of them, and want to keep them. In addition to this theft, they have threatened to harm her if she tries to do any infringement litigation, which -- luckily or unluckily -- she has not yet been able to afford.

Some of the USPTO errors have been in Spanish words, such as -- most recently -- leaving out the entire fanciful term “LUMINOSA DE LUZ”, one of her latina storybook characters, and adding the Spanish word “y” for “and”, along with randomly added words. at the end of the listing of literal elements for SHIMMERING

BALLERINAS & DANCERS. It all adds up to racial prejudice, on the part of some USPTO employees, as a motive for wrongdoing. They may be “siding” with the latinos in Aurora who have been victimizing Applicant Light by plagiarizing her creative works.

Religious prejudice may be a factor also. Applicant Light follows a beautiful Guru from India, the very greatly beloved Sri Swami Satchidanandaji Maharaj. He is fantastically beautiful and saintly. Some people don't understand this. He has Hindu roots, in that he is a Swami, but his thinking, and his teachings, are universal. He sincerely, deeply and faithfully believes in God, and is beautifully altruistic and kind-hearted. His Guru is the wonderfully saintly Sri Swami Sivanandaji Maharaj of Rishikesh, beloved and revered around the world. Following these beautiful Gurus is not at all “Satanism”. And, there is supposed to be freedom of religion in the United States. Employees of the USPTO should not be trying to wreck the Trademarks of an Applicant because she follows awesomely beautiful Gurus from India. Her beautiful Gurus have been advisors to Ambassadors, Presidents, and Prime Ministers. She is blessed to be Sri Swami Satchidanandaji Maharaj's disciple.

An esteemed federal agency, such as the USPTO, should not be victimizing its citizen Applicants, on the basis of racial prejudice, religious prejudice, or theft of the Applicants' creative works for personal profit or wrongful monetary gain.

Fair and honest treatment should be accorded to all citizens. This is what is expected of the USPTO, by the public. But, this ideal (and the word is “IDEAL”, not “DEAL”) has not been observed by the USPTO in these Trademark cases. This needs to be corrected, for the sake of truth and justice. We are living in the United States of America. God bless the USA!

Applicant Light apologizes for the delay in filing these MOTIONS, which were mentioned in her REPLY BRIEFS, but this has been a serious undertaking, due to the huge number of serious errors in Document Handling by the USPTO, in these Trademark cases.

The complete PDF of the TRIPLE-SHIMMERING PLAYBOOK Specimen should be included in the Records. both earlier and later, for the sake of completeness and accuracy, as it was unjustly ditched from the

earlier Records. When reinstated about three years later, pages were still missing, and chunks of pages were dropped off. Pieces of this PLAYBOOK are fortunately still on the Record, for the simultaneously-filed Applications for the sister Trademarks SHIMMERING BALLERINAS & DANCERS, SHIMMERING RAINFOR-EST, and SHIMMERING BREEZES. A complete pdf of this Specimen, in accord with all of these Records, is being filed simultaneously with this MOTION, for inclusion in the online Records.

The Supporting PDFs for this MOTION, as listed near the beginning of these MOTIONS, will each have to be sent as a separate filing, rather than attached, so that each has its own Tracking Number and Receipt. This is sadly necessary, because of the egregious Document Mishandling in these cases, which includes ditching documents which were successfully attached to filings.

Is all this the way the USPTO customarily handles the applicants' documents? How about appointing an Ombudsman's Office to handle egregious and flagrant Document Mishandling? It would probably be a busy office, but members of the public need to have some place to go, when they are victimized by wrongdoing on the part of USPTO employees, where the members of the public are not just brushed off, and unjust errors left unremedied.

Should employees of the USPTO be able to just pick and choose with whom to be honest? Honesty with all, should be a job requirement. To do otherwise is a breach of the public trust.

What does the legal community, of nice, honest judges and attorneys across the nation, think of all this? Please email Applicant Light and let her know! Input or advice from anyone analyzing this case would be welcomed by Applicant Light, with regard to what will probably be the upcoming CAFC Appeal. Surely everyone doesn't think that all this dishonesty is acceptable and easily overlookable, from the United States Patent & Trademark Office.

Applicant Prema Jyothi Light (Prema means Divine Love, and Jyothi means Divine Light) is a writer and illustrator, and one of her specialties, out of a lifelong love for children, is creating colorful, illustrated storybooks for children and their parents, or anyone who is, at least sometimes, a child at heart. Her Trademarks,

in use for well over a decade, deserve fair and just consideration, and honest handling from the USPTO and appeal courts.

All of the errors and Document Mishandling, listed herein, should be corrected to the greatest extent possible, at least for the sake of the CAFC Judges, who may be reviewing these Records next. There has been a lot of Document Mishandling, in these two Trademark cases, which needs to be set straight.

Errors made by the USPTO should probably be corrected by the USPTO, while this case is still pending within the USPTO. This is hereby respectfully requested.

XIII. Relief Sought

WHEREFORE, Applicant hereby requests:

- 1) Thoughtful review by the TTAB Judges of the above Document Mishandling Incidents which have occurred in USPTO handling of the Records for these two Trademark cases;
- 2) Review of the initial handling of the Application, including the paralegal's decision on the filing date for this Trademark, and restoration of the original filing date if possible;
- 3) Inclusion, on the Record, of the Supporting PDFS, as described on Page vii of these MOTIONS;
- 4) Direction by the TTAB Judges for the immediate Correction of all of the Document Mishandling Incidents and mistakes in the Record, which have not yet been corrected, as set forth in these MOTIONS;
- 5) And such other and further relief as this Board deems just and proper.

Dated: September 21, 2013

Respectfully submitted,
/ Prema Jyothi Light /
Prema Jyothi Light
Applicant, *pro se*

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