

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

ES

Mailed: October 22, 2016

In re MT Enterprises LLC

Serial No. 86420598

Filed: 10/10/2014

Millicent Canady, Paralegal Specialist:

Applicant's motion to exclude Examining Attorney's brief, filed October 7, 2016, is noted. Applicant states that on April 26, 2016, the Board forwarded the application to the Examining Attorney for preparation of the brief, but that she did not file the brief until September 16, 2016, far beyond the 60 days that the rules allow.

Applicant is correct that the Board issued an order on April 26, 2016 stating that the application was forwarded to the Examining Attorney for preparation of her brief. However, the electronic record of this appeal, namely the TTABVUE database, shows an entry for August 2, 2016, "Appeal Forwarded to Examiner for Brief." Entry No. 6. It is obvious that the Board failed to forward the application to the Examining Attorney on April 26, 2016, and that it was not forwarded until August 2, 2016. Therefore, the appeal brief filed by the Examining Attorney on

September 16, 2016 was timely, as it was within 60 days of the date that the application was actually forwarded to her. The Board regrets that this was not explained in an order at the time the application was forwarded on August 2.

Applicant's motion to exclude the Examining Attorney's appeal brief is denied. Applicant is allowed 20 days from the mailing date of this order in which to file a reply brief, should it wish to do so. A request for an oral hearing, if desired, is due not later than 30 days from the mailing date of this order.