

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MICHAEL P. CHISENA,
Appellant

v.

**MAJOR LEAGUE BASEBALL PLAYERS
ASSOCIATION, AARON JUDGE,**
Appellees

2023-2073

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in Nos.
91240180, 91242556, and 91243244.

ON MOTION

PER CURIAM.

ORDER

Now proceeding *pro se*, Michael P. Chisena moves to compel production of unredacted materials designated by appellees as Attorneys' Eyes Only ("AEO") under the Trademark Trial and Appeal Board's protective order, to compel production of complete unredacted copies of appellees' opening and reply briefs filed at the Board, and to

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extend the time for filing his opening brief until 90 days after receiving such information. ECF No. 9. The appellees oppose the motion generally but would not oppose a 60-day extension of time.

The Board noted that “[t]he parties designated large portions of the record as confidential.” ECF No. 9 at 25 n. 8. While that does not justify Mr. Chisena’s request for blanket disclosure of information designated as highly sensitive before the Board, the court finds it appropriate to remand to allow the Board to consider whether the protective order should be modified to allow Mr. Chisena access to appellees’ AEO-designated material referenced in either the trial briefs or the Board’s final decision to ensure he has a fair opportunity to prosecute his case on appeal.

Accordingly,

IT IS ORDERED THAT:

The motion is granted to the following extent: the briefing schedule is stayed, and the court grants a limited remand to allow the Board to conduct appropriate proceedings to consider whether the protective order should be modified to allow disclosure to Mr. Chisena of appellees’ AEO-designated material that was referenced in either the trial briefs or the Board’s final decision. The court retains jurisdiction over the appeal, and the parties are directed to file a status report every 40 days.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 8, 2023
Date