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

Proceeding	86394529
Applicant	NexBank Capital, Inc.
Applied for Mark	NEXBANK
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Submission	Motion to Accept Late Filed Brief
Attachments	Motion to Accept Late Filed Brief.pdf(57904 bytes)
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Signature	/Jerry C. Harris, Jr./
Date	04/24/2019

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

Serial No.: 86394529
Mark: NEXBANK
Applicant/Appellant: Nexbank Capital, Inc.
Examining Attorney: Anne M. Farrell
Law Office 118

**EX PARTE APPEAL
APPELLANT'S MOTION TO ACCEPT LATE-FILED BRIEF**

Appellant respectfully requests under TMEP § 1714.01(f)(ii)(E) and TBMP § 1203.02(a) that the dismissal of the Appeal in this matter be vacated and that a late-filed Appeal Brief, submitted herewith, be accepted.

The Application for NEXBANK was filed on September 15, 2014. Responsive to rejections by the Examining Attorney, on October 30, 2018, Appellant submitted a Notice of Appeal in conjunction with a Request for Reconsideration. The Examining Attorney denied the Request for Reconsideration on November 26, 2018.

However, prior counsel for Appellant failed to submit an Appeal Brief within the time allotted for the same and, as such, the Appeal in this application was dismissed and the application subsequently deemed abandoned. On April 22, 2019, Appellant learned that the instant application had become abandoned as a result of the failure to submit an Appeal Brief, Appellant promptly sought and engaged new counsel to attempt to preserve the Appeal and the Application. Appellant respectfully requests that Appellant's prior counsel's failure to file an Appeal Brief within the prescribed time period not be imputed to Appellant. Upon learning of the abandonment, Appellant, by new counsel, has hastily sought to remedy its prior counsel's failures and now submits this motion to vacate dismissal of the appeal and accept a late-filed Appeal Brief, filed herewith, pursuant to TBMP § 1203.02(a) and TMEP § 1714.01(f)(ii)(E).

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the mark, the undersigned invites a teleconference at the telephone number given below.

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: April 23, 2019

/Jerry C. Harris, Jr./
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