

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

May 14, 2019

In re Vaproshield, LLC

Serial No. 87464137

Filed: 5/25/2017

**JOHN S HALE
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UNITED STATES**

Victoria von Vistauxx, Paralegal Specialist:

On May 6, 2019, Applicant filed a notice of appeal from the final decision of the Trademark Examining Attorney issued on November 5, 2018, and a request for reconsideration.

ELECTRONIC FILING IS REQUIRED

Specifically, Trademark Rule 2.126(a), as amended, states that all submissions must be made to the Board via ESTTA. Using ESTTA, a party completes and submits forms, with attachments and/or exhibits, to the Board over the Internet, making an official filing online. ESTTA provides step-by-step instructions for properly completing a form. Available forms and instructions can be found at <http://estta.uspto.gov>. For more information regarding ESTTA, see TBMP § 110.

Trademark Rule 2.126(a), which is applicable to all Board proceedings as of January 14, 2017, regardless of the date of institution of the proceeding, states, in pertinent party (emphasis added):

(b) In the event that ESTTA is unavailable due to technical problems, or when extraordinary circumstances are present, submissions may be filed in paper form. All submissions in paper form, except the extensions of time to file a notice of opposition, the notice of opposition, the petition to cancel, or answers thereto (see §§ 2.101(b)(2), 2.102(a)(2), 2.106(b)(1), 2.111(c)(2), and 2.114(b)(1)), must include a written explanation of such technical problems or extraordinary circumstances. Paper submissions that do not meet the showing required under this paragraph (b) will not be considered.

See also, Miscellaneous Changes to Trademark Trial and Appeal Board Rules of Practice, 81 Fed. Reg. 69950, 69983 (October 7, 2016).

Applicant's submission did not include a written explanation as to why it did not utilize ESTTA to file its notice of appeal. In view of the foregoing, Applicant's paper filings will be given no consideration. However, because Applicant attempted to make filings, Applicant is allowed FIFTEEN DAYS from the mailing date of this order in which to submit an explanation as to why it did not file its paper using ESTTA.