

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
Hearings Email: TTABHearings@uspto.gov

September 10, 2021

In re Gunther's Quality Ice Cream, Inc.

Serial No. 88646255

Filed: 10/8/2019

By the Trademark Trial and Appeal Board:

This appeal is fully briefed. The Board notes Applicant's request for an oral hearing, filed on August 7, 2021 pursuant to Trademark Rule 2.129(a).

Applicant is allowed until fifteen days from the date of this order to submit, through ESTTA, a supplemental notice in which Applicant:

- 1) provides three tentative non-consecutive dates and times for the hearing, such dates being *between* six and fourteen weeks beyond the mailing date of this order; and
- 2) informs the Board if Applicant plans to attend by video conference¹.

In settling on possible dates, Applicant must note that hearings are held on Tuesdays, Wednesdays and Thursdays, between 10:00 a.m. and 3:00 p.m. Eastern

¹ For the foreseeable future, the Board will only be conducting hearings by video. For more information, please visit our website at <https://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board>.

Time. It is highly advisable for Applicant to consult with the Examining Attorney when determining the possible dates for the hearing.

If the Board does not receive a timely response to this order, the request for an oral hearing will be considered waived, and the matter will be submitted for decision on the record and briefs.

Once the Board has received an acceptable response to this order providing the necessary information, and has confirmed the hearing date and time, the Board will issue written notice of the hearing. *See* Trademark Rule 2.129(a) and TBMP § 1216. A party that does not state in its request for oral hearing, or in its response to the Board's order acknowledging that request and directing the party's further action, a clear intent to participate by video conference is expected to appear in person; and it may not be able to switch to video participation without also rescheduling any already scheduled date for the hearing. To request participation by video hearing for the first time after the date for a hearing has been set, the requesting party must contact the Board's Hearing and Decision Specialist at TTABHearings@USPTO.gov no fewer than fifteen business days prior to the scheduled oral hearing and obtain express approval to appear by video.

Also, if Applicant plans to attend the hearing by video conference, it is Applicant's responsibility to contact a USPTO video conference technician at VTCOPSDISTLIST@uspto.gov no fewer than three business days prior to the confirmed hearing date, setting forth the application serial number(s), the date and time of the hearing, and the type of equipment that Applicant plans to use. A video

conference technician will arrange a test of the equipment the party plans to use. The USPTO does not provide parties with the means to participate by video conference.

If Applicant decides, after submitting a request for oral hearing, that it *no longer desires an oral hearing*, Applicant should submit a waiver of the oral hearing request through ESTTA. The matter will then be taken off of the Board's oral hearing docket and scheduled to be decided on the record and the briefs.

Questions or inquiries regarding the hearing can be directed to TTABHearings@uspto.gov.