

ESTTA Tracking number: **ESTTA877520**

Filing date: **02/15/2018**

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

Proceeding	91228289
Party	Plaintiff Padraic C. McFreen
Correspondence Address	PADRAIC MCFREEN 13357 DUMBARTON STREET CARMEL, IN 46032 UNITED STATES Email: pmcfreen@gmail.com
Submission	Other Motions/Papers
Filer's Name	Padraic McFreen
Filer's email	PMCFREEN@GMAIL.COM
Signature	/Padraic McFreen/
Date	02/15/2018
Attachments	McFreen MIVU Request to Clarify re. Mitac MIVUE Reply in Support of Motion for Sanctions.20180215.pdf(207979 bytes)

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

Padraic McFreen.

Opposer,

v.

MITAC International Corp.

Applicant.

Opposition No. 91228289

MOTION FOR A REQUEST FOR LEAVE TO CLARIFY

In Applicant's Reply To Opposer's Response In Opposition Of Applicant's Motion For Sanctions ("Reply"), Applicant introduces new arguments, and introduces new evidence. Applicant certified that it served "...a true copy..." of its Motion on Opposer. This certification extends to all documents that accompanied its Motion.

Applicant never served Opposer with the Attorney Eye's Only ("AEO") documents it filed with this instant Motion, though it certified to this Board that it had indeed done so.¹

This intentional neglect severely prejudices Opposer: preventing it from mounting the requisite response; forcing it to "guess" and argue against its own evidence; and unfairly skews this Board in favor of Applicant.

¹ *Exhibit 1*, Applicant's service email to Opposer which includes its Motion, Discovery Responses and Opposer's Bates ranged documents it produced to Applicant. Applicant does not include any AEO documents.

Applicant served Opposer documents; however, Opposer was served no AEO files by Applicant from which it could reference in its Response In Opposition Of Applicant's Motion For Sanction.

This Board should consider sanctions against Applicant for its misconduct, blatant and obvious harassment, numerous misstatements of fact and failure to serve Opposer with critical documents upon which its motion relies.

Respectfully submitted,

February 15, 2018

/s /Padraic McFreen
Padraic McFreen, Opposer
13357 Dumbarton Street
Carmel, IN 46032
pmcfreen@gmail.com

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the foregoing Motion is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (“ESTTA”) and docket@lawabel.com, leabelman@lawabel.com, jbseyler@lawabel.com on this 15th day of February, 2018.

By: /Padraic McFreen/
Padraic McFreen, Opposer
13357 Dumbarton Street
Carmel, IN 46032
pmcfreen@gmail.com
281-736-0510

EXHIBIT 1



Padraic Cyril Mc Freen <padraic.mcfreen@gmail.com>

Opposition No. 9118289

1 message

SEYLER, J. <JBSeyler@lawabel.com>

Fri, Jan 19, 2018 at 3:41 PM

To: Padraic Cyril Mc Freen <padraic.mcfreen@gmail.com>

Cc: "Padraic McFreen (pmcfreen@gmail.com)" <pmcfreen@gmail.com>, "BRANTHOVER, N." <nwbranthover@lawabel.com>

Dear Mr. McFreen:

Attached is the service copy of the documents filed today at the Trademark Trial and Appeal Board.

Regards,

Julie Seyler

Julie B. Seyler










ABELMAN FRAYNE & SCHWAB

666 Third Avenue

New York, New York 10017

[212-949-9022](tel:212-949-9022)

11 attachments **MIVU Bates 229-369.pdf**
5166K **MIVU Bates 191-228.pdf**
3812K

-  **MIVU Motion for Sanctions 1.19.18.pdf**
2630K
-  **MIVU Bates 116-190.pdf**
3318K
-  **MIVU Bates 90-115.pdf**
3268K
-  **MIVU Bates 1-89.pdf**
4212K
-  **MiVU Supplemental Document Production 1.5.18 Bates 375-397.pdf**
1177K
-  **MiVu Seconded Amended Responses to Interrogatories 12.7.17.pdf**
534K
-  **MiVu Seconded Amended Responses to Document Requests 12.7.17.pdf**
524K
-  **MIVU McFreen Supplemental Document Responses 1.5.18.pdf**
412K
-  **MIVU McFreen Supplemental Interrogatory Responses 1.5.18.pdf**
394K