

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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vv/KWM

Mailed: May 11, 2017

Opposition No. 91230839
Opposition No. 91230837
Opposition No. 91230834

*The Board of Regents of the University of
Texas System*

v.

Nant Holdings IP, LLC

Opposition No. 91230833

*U.S. Department of Health and Human
Services*

v.

Nant Holdings IP, LLC

By the Trademark Trial and Appeal Board:

On May 1, 2017, Applicant filed (1) an abandonment of its application Serial Nos. 86921078, 86891907 and 86920849 (the “involved applications”), with prejudice, and with Opposer The Board of Regents of the University of Texas System’s (“Regents”) written consent; and (2) Regents’s dismissal of its oppositions with prejudice. However, the involved applications are also the subject of Opposition No. 91230833

brought by the U.S. Department of Health and Human Services (“DHHS”). DHHS has not consented to Applicant’s voluntary abandonment.

In view thereof, Applicant is allowed **thirty days** from the mailing date of this order to indicate whether the abandonment of the involved application is with the consent of DHHS, and to submit DHHS’s written consent thereto, failing which judgment will be entered against Applicant in Proceeding No. 91230833. *See* Trademark Rule 2.135; TBMP § 602.01 (Jan. 2017).

Proceedings are otherwise **suspended**.

Recent Rules Change

CHANGES TO THE TRADEMARK TRIAL AND APPEAL BOARD RULES OF PRACTICE BECAME EFFECTIVE JANUARY 14, 2017

The USPTO published a Notice of Final Rulemaking in the Federal Register on October 7, 2016, at 81 Fed. Reg. 69950. It sets forth several amendments to the rules that govern *inter partes* (oppositions, cancellations, concurrent use) and *ex parte* appeal proceedings. A correction to the final rule was published on December 12, 2016, at 81 Fed. Reg. 89382.

For complete information, the parties are referred to:

- The Board’s home page on the uspto.gov website:
<http://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board-ttab>
- The final rule:
<http://www.uspto.gov/sites/default/files/documents/81%20FR%2069950.pdf>
- The correction to the final rule:
<http://www.uspto.gov/sites/default/files/documents/81%20FR%2089382.pdf>
- A chart summarizing the affected rules and changes:
<http://www.uspto.gov/sites/default/files/documents/Chart%20Summarizing%20Rule%20Changes%2012-9-16.pdf>

For all proceedings, including those already in progress on January 14, 2017, some of the changes are:

- All pleadings and submissions must be filed through ESTTA. Trademark Rules 2.101, 2.102, 2.106, 2.111, 2.114, 2.121, 2.123, 2.126, 2.190, and 2.191.
- Service of all papers must be made by email, unless otherwise stipulated. Trademark Rule 2.119.

- Response periods are no longer extended by five days for service by first-class mail, Priority Mail Express®, or overnight courier. Trademark Rule 2.119.
- Deadlines for submissions to the Board that are initiated by a date of service are 20 days. Trademark Rule 2.119. Responses to motions for summary judgment remain 30 days. Similarly, deadlines for responses to discovery requests remain 30 days.
- All discovery requests must be served early enough to allow for responses prior to the close of discovery. Trademark Rule 2.120. Duty to supplement discovery responses will continue after the close of discovery.
- Motions to compel initial disclosures must be filed within 30 days after the deadline for serving initial disclosures. Trademark Rule 2.120.
- Motions to compel discovery, motions to test the sufficiency of responses or objections, and motions for summary judgment must be filed prior to the first pretrial disclosure deadline. Trademark Rules 2.120 and 2.127.
- Requests for production and requests for admission, as well as interrogatories, are each limited to 75. Trademark Rule 2.120.
- Testimony may be submitted in the form of an affidavit or declaration. Trademark Rules 2.121, 2.123, and 2.125.
- New requirements for the submission of trial evidence and deposition transcripts. Trademark Rules 2.122, 2.123, and 2.125.

This is only a summary of the significant content of the Final Rule. All parties involved in a Board proceeding should read the entire Final Rule.