

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
General Email: TTABInfo@uspto.gov

Baxley

July 26, 2019

Opposition No. 91245736

Elon University

v.

Anthony Jones

Andrew P. Baxley, Interlocutory Attorney:

On July 3, 2019, the USPTO's Office of Enrollment and Discipline ("OED"), in Proceeding No. D2019-45, styled *In the Matter of Michael D. Stewart*, issued a final order wherein, among other things, it accepted the Affidavit of Resignation under Patent and Trademark Office Rule 11.27 that Applicant's attorney filed in that proceeding on June 28, 2019.¹ Therein, the OED ordered that Applicant's attorney be "excluded on consent from practice before the Office in trademark and other nonpatent matters commencing on the date of" such order.

On July 25, 2019, Applicant's attorney filed a request to withdraw as Applicant's attorney of record in this proceeding.² The request to withdraw is in compliance with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rules and

¹ A copy of the final order is available online at <https://foiadocuments.uspto.gov/oed/D201945StewartFinalOrder.pdf>.

² A copy of the request to withdraw is placed in the application involved in this proceeding.

11.58 and 11.116, and is accordingly granted. In accordance with the foregoing and the July 3, 2019 OED order, Michael D. Stewart no longer represents Applicant in this proceeding.

In view of the withdrawal of Applicant's attorney, and in accordance with standard Board practice, proceedings are suspended as of July 3, 2019, and Applicant is allowed until thirty days from the date of this order to appoint a new attorney, or to file a paper stating that Applicant chooses to represent himself. If Applicant files no response, the Board will presume that Applicant intends to represent himself. The parties will be notified by the Board when proceedings are resumed, and dates will be reset, as appropriate.

A copy of this order has been sent to all persons listed below.

cc: Bassam N. Ibrahim
Buchanan Ingersoll & Rooney PC
1737 King St, Ste 500
Alexandria, VA 22314

Michael D. Stewart
150 SE 2nd Ave, Suite 1000
Miami, FL 33131

Anthony Jones
316 Eastwood St
Blytheville, AR 72315

Information regarding legal representation

While Patent and Trademark Rule 11.14 permits any person to represent itself, it is strongly advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in *inter partes* proceedings before the Board to secure the services of an attorney who is familiar with such matters. The Patent

and Trademark Office cannot aid in the selection of an attorney. *See* TBMP § 114.02.

Trademark Rules 2.119(a) and (b) require that every submission filed in a proceeding before the Board **must** be served upon the other party or parties, and proper proof of such service must be made before the submission will be considered by the Board. Accordingly, all submissions filed in this proceeding **must** be accompanied by a statement, signed by the attorney or other authorized representative, attached to or appearing on the original submission when filed, clearly stating the date and manner in which service was made, the name of each party or person upon whom service was made, and the email address or address. *See* TBMP § 113.03. Service must be made by email unless otherwise stipulated, or unless the filing party has satisfied the requirements for another method of service as set forth in Trademark Rule 2.119(b). The statement will be accepted as prima facie proof of service, must be signed and dated, and should take the form of a Certificate of Service as follows:

I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by forwarding said copy on (insert date of mailing), via email (or insert other appropriate method of delivery) to: (set out name, address, and email address of opposing counsel or party).

Signature _____
Date _____

Submissions in Board proceedings must be made via ESTTA, the Electronic System for Trademark Trials and Appeals, and must be in compliance with Trademark Rules 2.126(a) and (b). *See* TBMP § 110.01. The ESTTA user manual, ESTTA forms, and instructions for their use are at <http://estta.uspto.gov/>. It is

recommended that any pro se party be familiar with the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice. Parties should also be familiar with the Trademark Trial and Appeal Board Manual of Procedure (TBMP), available at <http://www.uspto.gov/ttab>, the TTABVUE system for viewing the record for all Board proceedings, available at <http://ttabvue.uspto.gov/ttabvue/>, and the Standard Protective Order, available at <https://www.uspto.gov/trademarks-application-process/appealing-trademark-decisions/standard-documents-and-guidelines-0>.

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. *McDermott v. San Francisco Women's Motorcycle Contingent*, 81 USPQ2d 1212, n.2 (TTAB 2006), *aff'd unpub'd*, 240 Fed. Appx.865 (Fed. Cir. 2007), *cert. denied*, 552 U.S. 1109 (2008).