

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

March 21, 2022

Opposition No. 91273187

Pacific Sunwear of California, LLC

v.

Pashun Products Ltd.

Nicole Thier, Paralegal Specialist:

On February 22, 2022, Applicant's attorney filed a request to withdraw as Applicant's counsel of record in this proceeding.¹ The request to withdraw as counsel is in compliance with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116, and is accordingly granted. The law firm of Sutton Ip Associates PA no longer represents Applicant in this proceeding.²

Inasmuch as Applicant has indicated that he will represent himself moving forward, the Board acknowledges that Applicant is domiciled outside of the United States. Effective August 3, 2019, the USPTO amended its rules to require applicants, registrants, or parties to a proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good

¹ A copy of the request to withdraw is placed in the application involved in this proceeding.

² Applicant's Answer, filed February 24, 2022, is noted by the Board.

standing of the bar of the highest court of a state in the U.S., including the District of Columbia or any commonwealth or territory. 37 C.F.R. § 2.11(a).

Accordingly, Applicant is required to secure U.S. counsel to represent it in this proceeding. 84 FR 31498 (Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants, July 2, 2019).

Applicant is allowed **THIRTY DAYS** from the mailing date of this order to obtain U.S. counsel and to establish representation by providing the following: date of admission, state or territory of admission, and bar license number. 37 C.F.R. § 2.17(b)(3). This can be done by filing, in ESTTA, either 1) the Appearance of Counsel/Power of Attorney form, which requires a written power of attorney signed by the party the attorney represents; or 2) a document (e.g. motion, brief) that satisfactorily identifies the individual as attorney for the party AND the Change of Address form wherein the bar information is required. The bar info entered on the Change of Address form will be masked from TTABVUE.

Proceedings are otherwise suspended. The parties will be notified by the Board when proceedings are resumed.

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

cc:

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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 <https://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 <https://www.uspto.gov/ttab>, the TTABVUE system for viewing the record for all Board proceedings, available at <https://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*,

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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).