

ESTTA Tracking number: **ESTTA1331676**

Filing date: **01/02/2024**

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

Proceeding no.	91282337
Party	Defendant MD Audio Engineering, Inc.
Correspondence address	JESUS SANCHELIMA SANCHELIMA & ASSOCIATES, P.A. 235 S.W. LE JEUNE ROAD MIAMI, FL 33134 UNITED STATES Primary email: jesus@sanchelima.com Secondary email(s): legal@sanchelima.com , chris@sanchelima.com , <a href="mailto:leg-
alassist@sanchelima.com">leg- alassist@sanchelima.com , tm@sanchelima.com 305-447-1617
Submission	Response to Board Order/Inquiry
Filer's name	Jesus Sanchelima
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Signature	/s/Jesus Sanchelima
Date	01/02/2024
Attachments	240102.2le.Not.Resumption.MDAudio.pdf(343514 bytes)

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

Murvin D. Persuad
Opposer,

v.

Opposition No. **91282337**

MD Audio Engineering, Inc.
Applicant,

NOTICE OF TERMINATION OF CIVIL ACTION

Applicant, MD Audio Engineering, Inc. (“Applicant”), submits this notice to inform the Board of the termination of Case No. 6:23-CV-01277-CEN-LHP styled *Persaud v. MD Audio Engineering, Inc.* (the “Civil Action”) filed in the United States District Court for the Middle District of Florida.

This opposition proceeding was suspended pending final determination of the Civil Action. In the Civil Action, Applicant filed a motion to quash service of process and dismiss the complaint for insufficient service of process, lack of subject matter jurisdiction, and failure to state a claim. The Court granted Applicant’s motion in part and found that service was insufficient and that the claims were insufficiently pled and allowed Opposer until December 15, 2023 to file an amended complaint. Opposer then filed an inadequate motion for reconsideration. The Court denied the motion as Opposer provided no basis to reconsider the Order and directed the Clerk to close the case for failure to file an amended complaint on or

before December 15, 2023. A copy of the above-identified court orders are attached as Exhibit A to this notice.

Dated: January 2, 2024

Respectfully submitted,

/s/ Jesus Sanchelima

Jesus Sanchelima, Esq.
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served via email on January 2, 2024 to the following parties:

By: /s/ Jesus Sanchelima
Jesus Sanchelima, Esq.

SERVICE LIST

Murvin Persaud
143 Cotton Ct
Sanford, FL, 32771
U.S.A.
Phone: 646-460-6820
Email: murv5@earthlink.net;
dp19752010@yahoo.com
Opposer

EXHIBIT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MURVIN PERSAUD,

Plaintiff,

v.

Case No. 6:23-cv-1277-CEM-LHP

MD AUDIO ENGINEERING INC.,

Defendant.

_____ /

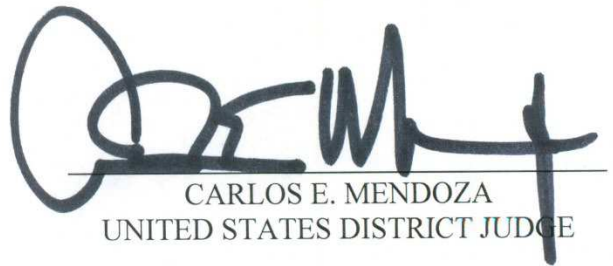
ORDER

THIS CAUSE is before the Court on Defendant’s Motion to Quash Service of Process and Motion to Dismiss (“Motion,” Doc. 13). The United States Magistrate Judge issued a Report and Recommendation (Doc. 18), recommending that the Motion be granted in part, that the August 8, 2023 service of process on Defendant be quashed, that Plaintiff’s Complaint (Doc. 1) be dismissed for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), and that the Motion be otherwise denied. (Doc. 18 at 16–17).

After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72, and noting that no objections were timely filed, the Magistrate Judge’s recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 18) is **ADOPTED** and made a part of this Order.
2. Defendant's Motion to Quash Service of Process and Motion to Dismiss (Doc. 13) is **GRANTED in part** and **DENIED in part**.
 - a. The August 8, 2023 service of process on Defendant is **QUASHED**.
 - b. Plaintiff's Complaint (Doc. 1) is **DISMISSED without prejudice**.
 - c. Defendant's Motion is otherwise **DENIED**.
3. **On or before December 15, 2023**, if Plaintiff is able to cure the deficiencies set forth in the Report and Recommendation, Plaintiff may file an Amended Complaint. Failure to timely file an Amended Complaint will result in the closure of this case without further notice.
4. **On or before thirty days** from when Plaintiff files an Amended Complaint, Plaintiff must serve Defendant with the Amended Complaint in accordance with Federal Rule of Civil Procedure 4. Failure to do so may result in the dismissal of this case with prejudice without further notice.

DONE and **ORDERED** in Orlando, Florida on November 28, 2023.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party

From: cmecf_flmd_notification@flmd.uscourts.gov
Subject: Activity in Case 6:23-cv-01277-CEM-LHP Persaud v. MD Audio Engineering Inc. Order on Motion for Reconsideration / Clarification
Date: December 28, 2023 at 10:40 AM
To: cmecf_flmd_notices@flmd.uscourts.gov



This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court
Middle District of Florida

Notice of Electronic Filing

The following transaction was entered on 12/28/2023 at 10:39 AM EST and filed on 12/28/2023

Case Name: Persaud v. MD Audio Engineering Inc.

Case Number: [6:23-cv-01277-CEM-LHP](#)

Filer:

Document Number: 22(No document attached)

Docket Text:

ENDORSED ORDER denying [20] Amended Motion for Document 19 Requested, which the Court construes as a Motion for Reconsideration. Plaintiff provides no basis for this Court to reconsider its [19] November 28, 2023 Order. The Clerk is directed to close this case for failure to file an amended complaint on or before December 15, 2023. Signed by Judge Carlos E. Mendoza on 12/28/2023. (JW)

6:23-cv-01277-CEM-LHP Notice has been electronically mailed to:

Jesus Sanchelima jesus@sanchelima.com, legal@sanchelima.com, paralegal@sanchelima.com

Liany Estevez estevez@sanchelima.com

6:23-cv-01277-CEM-LHP Notice has been delivered by other means to:

Murvin Persaud
143 Cotten Ct.
Sanford, FL 32771