ESTTA Tracking number: **ESTTA1456112**
Filing date: **08/13/2025**

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

Proceeding no.	91300936
Party	Plaintiff Mini Melts, Inc.
Correspondence address	ROBERT GLENN OAKE JR. OAKE LAW OFFICE, PLLC 700 S. CENTRAL EXPY SUITE 400 ALLEN, TX 75013 UNITED STATES Primary email: rgo@oake.com Secondary email(s): rgoake@gmail.com 214-207-9066
Submission	Other Motions/Submissions
Filer's name	Robert G. Oake, Jr.
Filer's email	rgo@oake.com
Signature	/Robert G. Oake, Jr./
Date	08/13/2025
Attachments	Motion to File Notice of Opposition Under Seal.pdf(84297 bytes)

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

MINI MELTS, INC., Opposer, v. MINI MELTS USA, INC., Applicant.	Opposition No. 91300936 Mark: MINI BEADS OF ICE CREAM. BIG BITES OF YUM. Application Serial No. 98756369 Filed on June 25, 2024 Published on July 15, 2025

OPPOSER'S MOTION TO FILE NOTICE OF OPPOSITION IN PART UNDER SEAL

Pursuant to 37 C.F.R. § 2.27(e), 37 C.F.R. § 2.126(c), Trademark Trial and Appeal Board Manual of Procedure ("TBMP") §§ 412.01–412.05, this Board's Order dated August 13, 2025, and further to the extent this motion is still necessary, Opposer Mini Melts, Inc. ("Opposer") respectfully moves the Board for leave to file an unredacted Notice of Opposition in part under seal, and would show as follows:

1. Opposer's Notice of Opposition includes limited excerpts from, and descriptions of, the parties' confidential Asset Purchase Agreement dated November 8, 2019 (the "Agreement"). The Agreement contains sensitive commercial terms that are subject to a confidentiality provision and that are not generally available to the public.

2. Public disclosure of this confidential contractual information would cause competitive harm to one or both parties by revealing non-public terms concerning trademark ownership, product rights, and restrictions in the frozen novelty products market.

3. In order to protect the confidentiality of the Agreement while complying with the filing requirements of the Trademark Trial and Appeal Board (Board), on August 11, 2025, Opposer filed a public redacted version of the Notice of Opposition, omitting or blacking out the confidential terms from the Agreement. The public redacted version of the Notice of Opposition

was filed before the unredacted version because, to Opposer's knowledge, the electronic filing procedures of the Board do not permit an original Notice of Opposition to be filed confidentially.

4. Opposer also filed on August 11, 2025, a Motion to File Notice of Opposition in Part Under Seal (the "Motion"). Attached to the Motion as Exhibit 1 was an unredacted Notion of Opposition with a partially redacted Agreement attached as Exhibit A.

5. Opposer is aware that under the Board's rules, a standard protective order automatically becomes effective upon filing of a Notice of Opposition. However, Board rules also require that both a redacted *and unredacted* version of the document be filed. Since only a redacted version of the Notice of Opposition had been filed without Exhibit, and due to confidentially terms in the Agreement, out of an abundance of caution, Opposer attached the unredacted Notice of Opposition with attached partially redacted Agreement to the Motion and requested that the unredacted Notice be maintained under seal. Since the Motion related to an unredacted Original Notice of Opposition that had not been filed yet, Opposer did not include a certificate of service and did not serve Applicant.

6. On August 13, 2025, the Board issued an Order (the "Order") indicating that the Motion would not be considered because it lacked a certificate of service. The Order states "[t]o the extent Opposer has filed a redacted notice of opposition, an unredacted copy must be filed with the Board and served on Applicant in accordance with the SPO" and "Opposer is allowed until **AUGUST 22, 2025**, to do so." (emphasis in original).

7. The Order states further "[a]s for Opposer's motion, unless it contains confidential matter, Opposer may renew the motion by simply serving Applicant and filing a copy with the Board" and "Opposer is similarly allowed until **AUGUST 22, 2025**, to do so." (emphasis in original). Opposer notes the Order expressly states "the Board's Standard Protective Order

('SPO') is automatically in place to govern the exchange of information in this matter." Therefore, this Motion may not be necessary.

8. However, to the extent it is still necessary and pursuant to this Court's Order, Opposer is filing this Motion with a certificate of service and serving a copy on Applicant. Opposer also is concurrently filing an unredacted copy of the Notice of Opposition with a partially redacted Agreement attached as Exhibit A to the Notice of Opposition. The unredacted Notice of Opposition is labeled as "CONFIDENTIAL – FILED UNDER SEAL." The unredacted Notice of Opposition is being filed with a certificate of service and is being served upon the Applicant.

9. The confidential portions of the Notice of Opposition are narrowly tailored to protect only that information necessary to preserve the parties' confidentiality obligations and to prevent competitive harm.

WHEREFORE, to the extent this Motion is still necessary, Opposer respectfully requests that the Board accept for filing the sealed unredacted version of the Notice of Opposition, and that the unredacted version be maintained under seal pursuant to the Board's Standard Protective Order.

DATED this 13th day of August 2025.

Respectfully submitted,

/s/ Robert G. Oake, Jr.
Robert G. Oake, Jr.
Texas State Bar No. 15154300
Reg. No. 40,748
Oake Law Office, PLLC
700 S. Central Expy., Suite 400
Allen, Texas 75013
(214) 207-9066
rgo@oake.com

Attorney for Opposer Mini Melts, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2025, a true and correct copy of the OPPOSER'S MOTION TO FILE NOTICE OF OPPOSITION IN PART UNDER SEAL is being served by electronic mail on Applicant's attorney, as shown in the correspondence record in the Office, as follows:

Philip J. Foret
Attorney for Applicant Mini Melts USA, Inc.
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, Pa 19103
United States
pforet@stradley.com

Respectfully submitted,

By: /Robert G. Oake, Jr./
Robert G. Oake, Jr.,
Oake Law Office, PLLC
Reg. No. 40,748
700 S. Central Expy, Suite 400
Allen, Texas 75013
Phone: (214) 207-9066
Email: rgo@oake.com

Attorney for Opposer Mini Melts, Inc.