

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

Mailed: March 24, 2017

Cancellation No. 92063808

Double Coin Holdings, Ltd.

v.

Tru Development

Ellen Yowell, Paralegal Specialist:

On March 6, 2017, Petitioner submitted the following exhibits to the Board via mail: exhibit 1 to its motion for summary judgment, and exhibit 3 to the declaration of Zhi-Ming (“Mike”) Yang.

Trademark Rule 2.123(f)(2) sets forth that if the nature of an exhibit precludes electronic transmission via ESTTA, it shall be submitted through mail by the party.

Exhibit 3 to the declaration of Zhi-Ming (“Mike”) Yang is a DVD and meets the exception to the requirement that submissions be filed electronically through ESTTA.

The Board notes that exhibit 1 to the motion for summary judgment was filed under seal. However, submissions containing confidential information may be submitted electronically through ESTTA by selecting “CONFIDENTIAL Opposition, Cancellation or Concurrent Use” under “File Documents in a Board Proceeding.” Therefore, trademark Rule 2.123(f)(2) does not apply to exhibit 1, and submission of the exhibit must be made to the Board via ESTTA. *See* Trademark Rule 2.126(a). In

view thereof, Petitioner's March 6, 2017 submission will not be considered with respect to exhibit 1 only.

Petitioner is allowed until 7 days from the mailing date of this order in which to file exhibit 1 to the motion for summary judgment via ESTTA. This order does not change Respondent's time for filing a response to the Motion for Summary Judgment.

No Consideration of Respondent's Motion to Withdraw as Counsel

On March 14, 2017, counsel for Respondent filed a request to withdraw as counsel of record in the proceeding. On March 17, 2017, counsel for Respondent filed a withdrawal of its earlier motion. In view thereof, the motion to withdraw as counsel will be given no consideration. The law firm of Keener & Associates, P.C. remains as counsel of record for Respondent in this proceeding.

Proceedings remain suspended as set forth in the Board's order of March 8, 2017.