

TTAB

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: December 7, 2016

Cancellation No. 92064449

- 77086884

Cannei, LLC

v.

NJKK Holdings LLC

Amy Matelski, Paralegal Specialist:

The order instituting this proceeding and a copy of the petition to cancel were forwarded to respondent but were returned by the Postal Service as undeliverable.

The Board has obtained a more current address for respondent and believes that service could be effected when documents are remailed to the following:¹

**Katherine L. McDaniel
Fulwider Patton LLP
6100 Center Dr. Suite 1200
Los Angeles, CA 90045**

Accordingly, the order is remailed as indicated above.²

¹ The Board notes that an appointment of attorney for respondent was filed on October 12, 2016.

Respondent is reminded of its responsibility to ensure that the Board has its current correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. See TBMP § 117.07.

² A copy of the petition to cancel can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.



12-20-2016

Respondent is allowed until forty days from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended. Compliance with Trademark Rule 2.193(3) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, respondent must so advise the Board and registrant must submit copies of the appropriate documents. *See* Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to forty days from the mailing date of this order. Notice is hereby given that unless the respondent listed herein, its assigns or legal representatives, shall enter an appearance, answer or other response to the petition within the time provided in this order, the cancellation may proceed as in the case of default.³

In accordance with the Trademark Rules of Practice, conference, disclosure, discovery and trial dates are reset as indicated below.

Time to Answer	1/16/2017
Deadline for Discovery Conference	2/15/2017
Discovery Opens	2/15/2017
Initial Disclosures Due	3/17/2017
Expert Disclosures Due	7/15/2017
Discovery Closes	8/14/2017
Plaintiff's Pretrial Disclosures	9/28/2017
Plaintiff's 30-day Trial Period Ends	11/12/2017
Defendant's Pretrial Disclosures	11/27/2017
Defendant's 30-day Trial Period Ends	1/11/2018
Plaintiff's Rebuttal Disclosures	1/26/2018
Plaintiff's 15-day Rebuttal Period Ends	2/25/2018

³ Petitioner's November 8, 2016 motion for default judgment is considered moot.

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In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

cc:
NINJAI GANG, LLC
970 NORTH KALAHEO
SUITE C-312
KALIUA, HI 96734

NOTICE: CHANGES TO THE TRADEMARK TRIAL AND APPEAL BOARD ("BOARD")
RULES OF PRACTICE WILL BE **EFFECTIVE JANUARY 14, 2017**

The USPTO published a Notice of Final Rulemaking in the Federal Register on October 7 2016, at 81 F.R. 69950. It sets forth **several** amendments to the rules that govern *inter partes* (oppositions, cancellations, concurrent use) and ex parte appeal proceedings.

For complete information, the parties are referred to resources available on the Board's home page, <https://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board-ttab>.

For all proceedings, including those **already in progress on January 14, 2017**, some of the changes are:

- All pleadings and submissions must be filed through ESTTA. Trademark Rules 2.101, 2.102, 2.106, 2.111, 2.114, 2.121, 2.123, 2.126, 2.190 and 2.191.
- Service of all papers must be by email, unless otherwise stipulated. Trademark Rule 2.119.
- Response periods are no longer extended by five days for service by mail. Trademark Rule 2.119.
- Deadlines for submissions to the Board that are initiated by a date of service are 20 days. Trademark Rule 2.119. Responses to motions for summary judgment remain 30 days. Similarly, deadlines for responses to discovery requests remain 30 days.
- All discovery requests must be served early enough to allow for responses prior to the close of discovery. Trademark Rule 2.120. Duty to supplement discovery responses will continue after the close of discovery.
- Motions to compel initial disclosures must be filed within 30 days after the deadline for serving initial disclosures. Trademark Rule 2.120.
- Motions to compel discovery, motions to test the sufficiency of responses or objections, and motions for summary judgment must be filed prior to the first pretrial disclosure deadline. Trademark Rules 2.120 and 2.127.
- Requests for production and requests for admission, as well as interrogatories, are each limited to 75. Trademark Rule 2.120.
- Testimony may be submitted in the form of an affidavit or declaration. Trademark Rules 2.121, 2.123 and 2.125.
- New requirements for the submission of trial evidence and deposition transcripts. Trademark Rules 2.122, 2.123, and 2.125.

- For proceedings **filed on or after January 14, 2017**, in addition to the changes set forth above, the Board's notice of institution constitutes service of complaints. Trademark Rules 2.101 and 2.111.

This is only a summary of the significant content of the Final Rule. All parties involved in or contemplating filing a Board proceeding, regardless of the date of commencement of the proceeding, should read the entire Final Rule.

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