

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

Dav/wbc

August 14, 2019

Cancellation No. 92066153

We Vote

v.

LeYeF, LLC

Wendy Boldt Cohen, Interlocutory Attorney:

On July 3, 2019, the USPTO's Office of Enrollment and Discipline ("OED"), in Proceeding No. D2019-45, *In the Matter of Michael D. Stewart*, issued a final order wherein, *inter alia*, it accepted the Affidavit of Resignation under Patent and Trademark Office Rule 11.27 that LeYef, LLC's ("Respondent") attorney filed in that proceeding on June 28, 2019.¹ Therein, the OED ordered that Respondent's attorney be "excluded on consent from practice before the Office in trademark and other non-patent matters commencing on the date of" such order.

On July 28, 2019, Mr. Stewart filed a request to withdraw as Respondent's counsel of record in this proceeding.² The request to withdraw as counsel is in compliance

¹ A copy of the final order is available online at:
<https://foiadocuments.uspto.gov/oed/D201945StewartFinalOrder.pdf>.

² 27 TTABVUE.

with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 11.116, and is **granted**.

In view of the foregoing, Michael D. Stewart no longer represents Respondent in this proceeding as of July 3, 2019, and proceedings are **suspended** retroactive to July 3, 2019. *See* Trademark Rule 2.117(c). Respondent is allowed until **thirty days** from the date of this order to appoint new counsel, or to file a paper stating that Respondent chooses to represent itself, failing which the Board may order Respondent to show cause why default judgment should not be entered against it based on its apparent loss of interest in this proceeding. *See Pro-Cuts v. Schilz-Price Enters. Inc.*, 27 USPQ2d 1224 (TTAB 1993).

The parties will be notified by the Board when proceedings are resumed, and appropriate dates will be reset.

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

cc:

LeYef LLC
DBA LeYeF LLC
4816 DUXHALL DRIVE
LINCOLN NE 65816
Lukealexander11@hotmail.com

MICHAEL D STEWART
150 SE 2ND AVE, SUITE 1000
MIAMI, FL 33131
ms@themiamilaw.com

PAUL A MCLEAN
GREENBERG TRAUIG LLP
1900 UNIVERSITY AVENUE 5Th AVE
EAST PALO ALTO CA 94303
mcleand@gtlaw.com

Information Regarding Legal Representation

While Patent and Trademark Rule 11.14, 37 C.F.R. § 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 (2019).

Trademark Rules 2.119(a) and (b), 37 C.F.R. §§ 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), 37 C.F.R. §§ 2.126(a) and (b). *See* TBMP § 110.01. The ESTTA user manual, ESTTA forms, and instructions for their use are at <http://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 <http://www.uspto.gov/trademarks-application-process/trademark-trial-and-appeal-board-ttab>), the TTABVue system for viewing the record for all Board proceedings (<http://ttabvue.uspto.gov/ttabvue/>), and the Standard Protective Order (<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*, 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).

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