

## PTO-2189 – Ex Parte Appeal (general filings)



# Electronic System for Trademark Trials and Appeals

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**If you are using Internet Explorer, please ensure that the Compatibility View (Tools>Compatibility View settings) is disabled or not enabled.**

[Browse ESTTA forms and learn when and how to use them](#)

**File Size Limits:** The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB.

Please choose one of the following options to start filing a form for

- [Request for Extension of Time to File an Opposition](#)

File a request for extension of time to file a notice of opposition, relinquish an extension, or other actions related to extensions of time to oppose.

Enter the application serial number to which the filing applies:

Fees are required for certain requests for extension that can be filed using this form.

- [File a New Proceeding](#)

Use these options to file a new opposition, cancellation or appeal from a final refusal to register. Choose your filing and enter the serial number of the application to be opposed, the registration number of the registration to be cancelled, or the serial number of the application to be appealed.

Type of filing:

There is a filing fee associated with these forms.

- [File Documents in a Board Proceeding](#)

Use these options to file documents (motions, briefs, etc.) in an already existing opposition, cancellation, concurrent use, or appeal proceeding. Choose a filing option and enter the opposition number (91xxxxxx), cancellation number (92xxxxxx), concurrent use number (94xxxxxx), or application serial number to which your filing applies.

Type of filing:

Most filings do not require a fee.

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*Start screen*

# Electronic System for Trademark Trials and Appeals

## Application Data

If this is the correct application, click 'Next' to proceed, otherwise click 'Cancel' to enter a new serial number.

Only parties to this proceeding or their attorneys may file papers.

Application Number	<input type="text"/>
Applicant	<input type="text"/>
Applied for Mark	<input type="text"/>

*Verify application screen*

## Identify Paper

From the list of entries shown below, choose the one that best identifies the paper you are filing. You may make only one entry for each paper you are filing. Therefore, if your paper includes more than a single motion, choose the entry you consider the most relevant or significant. By choosing an entry from the list below, you will help the Board process your paper promptly, but if you cannot find an entry that describes your paper, choose "Other Motion or Paper" and provide a description of the paper.

<b>Motion or Paper Type</b>	<input type="radio"/> Request for Remand/Amendment
	<input type="radio"/> Applicant's Request to Consolidate
	<input type="radio"/> Applicant's Brief
	<input type="radio"/> Examining Attorney's Brief
	<input type="radio"/> Applicant's Reply Brief
	<input type="radio"/> Request For Oral Hearing
	<input type="radio"/> Request for Suspension
	<input type="radio"/> Request For Extension of Time
	<input type="radio"/> Appearance/Power of Attorney
	<input type="radio"/> Change of Address
	<input type="radio"/> Supplemental Brief
	<input type="radio"/> Request for Reconsideration
	<input type="radio"/> Request for Reconsideration from Final Board Decision
	<input type="radio"/> Appeal to CAFC
	<input type="radio"/> Appeal to District Court
<b>Other Motions/Papers</b>	<input type="radio"/>
<small>Identify Other Motion in the text box:</small>	

*Identify submission screen*

## Attachments

### Attach required legal documents

To attach your file(s):

1. [Pre-filing checklist](#).
2. Please make sure that the file name does not contain any special characters such as (!@#%&^\*(){}).
3. The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB. [Tips for attaching a large file](#).
4. Choose the "Browse" button below and select a file in an [accepted format](#) (TIFF, PDF, or TXT) from your computer. (To attach a document saved in TIFF format, the document must first be saved using this extension: .tiff)
5. The name of the file you want to attach should appear in the text box below. Click the "Attach File" button.
6. When you have attached all desired files, click "Next Screen" at the bottom of the page to proceed.

<input type="text"/>	<input type="button" value="Browse"/>	<input type="button" value="Attach File"/>
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<input type="button" value="Back"/>	<input type="button" value="Cancel"/>	<input type="button" value="Save Session"/>
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*Attachment screen*

# Electronic System for Trademark Trials and Appeals

## Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (/) symbols.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
Proceeding	[redacted]
Applicant	[redacted]
Applied for Mark	[redacted]
Correspondence Address	[redacted]
Submission	[redacted]
Attachments	[redacted]

## Filer Information

Fill in the information below. You will receive an email confirmation of your filing within 24 hours.

Filer's Signature *	<input type="text"/>
Filer's Name *	<input type="text"/>
Filer's Email Address *	<input type="text"/> <small>Note: Multiple email addresses may be provided separated by comma and space</small>
Date	<input type="text"/>

# Electronic System for Trademark Trials and Appeals

## Validate and Submit

Review the information below and click on the "Submit" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).  
**DO NOT USE THE BACK BUTTON ON YOUR BROWSER.**

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

Proceeding	
Applicant	
Applied for Mark	
Correspondence Address	
Submission	
Attachments	
Filer's Name	
Filer's email	
Signature	
Date	

*Validate and submit screen*

### Paperwork Reduction Act Statement

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. This Ex Parte Appeal is estimated to take 10 minutes to complete and submit to USPTO. Any comments on the amount of time you require to complete this activity and/or suggestions for reducing this burden, should be sent to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

### Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to an application for a trademark/servicemark. The authority for the collection of this information is 35 U.S.C. 2(b)(2); (2). The information in this system of records is used to disseminate information about Trademarks submission or other Trademark related actions before the United States Patent Office. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of Congress working on behalf of an individual; to the Office of Personnel Management for personnel research purposes; to National Archives and Records Administration for inspection of records; and to the Office of Management and Budget for legislative coordination and clearance. Disclosure of the information by you is voluntary; however, if you do not furnish the requested information, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application for a trademark. The applicable Privacy Act System of Records Notice for this information request is COMMERCE/USPTO-26, Trademarks Application and Registration Records: Federal Register vol. 85 February 18, 2020, p 8847, available at <https://www.govinfo.gov/content/pkg/FR-2020-02-18/pdf/2020-03068.pdf>.