

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE JOEL L. BELING,**  
*Petitioner.*

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2014-135

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On Petition for Writ of Mandamus to the United States Patent and Trademark Office in Nos. 91203884 and 92055374.

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**ON PETITION**

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Before NEWMAN, RADER, and HUGHES, *Circuit Judges.*

PER CURIAM.

**O R D E R**

Joel L. Beling's petition for writ of mandamus and "petition for a writ of certiorari" relate to ongoing proceedings before the Trademark Trial and Appeal Board ("TTAB"). Beling's petitions ask this court for various relief, including to direct the TTAB to reopen discovery, to "create new laws" based on the proposals he suggested before the TTAB, to review his requests for disqualification, and to refund certain fees he paid. In addition, Beling moves to stay proceedings before the TTAB pend-

ing this court's decision on the writ and for leave to proceed in forma pauperis.

The remedy of mandamus is available only in extraordinary situations to correct a clear abuse of discretion or usurpation of judicial power. *In re Calmar, Inc.*, 854 F.2d 461, 464 (Fed. Cir. 1988). A party seeking a writ bears the burden of proving that it has no other means of securing the relief desired, *Mallard v. United States District Court*, 490 U.S. 296, 309 (1989), and that the right to issuance of the writ is "clear and indisputable," *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980).

In this present case, Beling has not demonstrated a clear and indisputable right to relief. In addition, proceedings are ongoing before the TTAB, and Beling can seek further review at the conclusion of such proceedings. *See* 15 U.S.C. § 1071. As to many of the issues raised, Beling has not shown that any alleged error could not be reviewed through the ordinary process.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for leave to proceed in forma pauperis is granted.
- (2) The motion for stay is denied.
- (3) The petition for writ of mandamus is denied.
- (4) To the extent that Beling's petition seeks en banc review, he should file a timely petition for rehearing en banc.

IN RE BELING

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FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court

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