

ESTTA Tracking number: **ESTTA434631**

Filing date: **10/07/2011**

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

Proceeding	91194913
Party	Defendant Kelly P. Willis
Correspondence Address	John S Egbert Egbert Law Offices PLLC 412 Main Street, 7th Floor Houston, TX 77002 UNITED STATES mail@egbertlawoffices.com
Submission	Motion for Summary Judgment
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Signature	/2647-1/
Date	10/07/2011
Attachments	2647-1 SJ Mtn.HAUTE SHOTS.pdf (10 pages)(81805 bytes) 2647-1 Declaration of Wilson.pdf (67 pages)(1854596 bytes) 2647-1 Declaration of Willis.Part 1.pdf (40 pages)(1469477 bytes) Declaration of Willis.Part 2.pdf (27 pages)(2022749 bytes) Declaration of Willis.Part 3.pdf (11 pages)(3055010 bytes)

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

In the Matter of Application Serial No. 77/812,612
Published in the Official Gazette on April 20, 2010

Haute Shots, a Nevada partnership composed	§	
of Joseph Grimm and Stacie Frazier,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91194913
	§	
KELLY P. WILLIS,	§	
	§	
Applicant.	§	

APPLICANT'S MOTION FOR SUMMARY JUDGMENT

KELLY P. WILLIS ("Applicant"), moves, under Rule 2.127 of the Trademark Rules of Practice and Federal Rule of Civil Procedure 56, for summary judgment and dismissal of Haute Shots, a Nevada partnership composed of Joseph Grimm and Stacie Frazier's ("Opposer") Notice of Opposition of Applicant's U.S. Trademark App. No. 77/812,612 for the mark "HAUTE SHOT AND DESIGN". Summary judgment and dismissal are proper in this proceeding because there is no genuine issue of fact and because Applicant is entitled to judgment as a matter of law. Specifically, Opposer lacks priority in relation to the "HAUTE SHOT" mark.

This Motion for Summary Judgment is submitted prior to the commencement of Opposer's testimony period and is based on the attached Memorandum of Law in Support of Applicant's Motion for Summary Judgment, the attached Declarations of Kevin Wilson and Kelly P. Willis, the attached exhibits, and all pleadings and papers on file. The interests of judicial economy and fairness to both parties are best served by concluding this Opposition proceeding at this time. Therefore, It is respectfully requested that this Motion be granted and that the Opposition proceeding

be dismissed with prejudice. Pursuant to Trademark Rule 1.127(d) of the Trademark Rules of Practice it is requested that the proceedings be suspended pending the disposition of this motion.

Respectfully submitted,

October 7, 2011
Date

/2647-1/
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Applicant.	§	

**MEMORANDUM OF LAW IN SUPPORT OF APPLICANT KELLY P. WILLIS'S
MOTION FOR SUMMARY JUDGMENT**

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