ESTTA Tracking number:

ESTTA1016618

Filing date:

11/19/2019

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

Proceeding	92057380
Party	Plaintiff Jaime Keeling
Correspondence Address	ADAM DAVIDS DAVOLI DAVIDS LLP 153 WEST 27TH STREET, SUITE 204 NEW YORK, NY 10001 UNITED STATES adam@adamdavids.com 647-787-6683
Submission	Opposition/Response to Motion
Filer's Name	Adam Davids
Filer's email	adam@adamdavids.com, adam@davolidavids.com
Signature	/Adam Davids/
Date	11/19/2019
Attachments	2019-11-19 - Proof of Service - Cancellation Petition Supplement FE.pdf(577597 bytes) 2019-08-29 - PBL - Petition for TM Cancellation Resp to Motion.pdf(1128066 bytes)



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

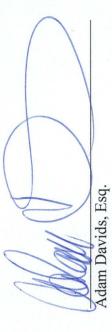
In the Matter of Trademark Reg. No. 4,334,491	Cancellation No. 92057380	For the Mark: Point Break Live!	Registered May 14, 2013
JAIME KEELING) Petitioner,)	V.	EVE HARS	Registrant)

PROOF OF SERVICE

I am over the age of 18 and not a party to the action above; my business address is 153 West 27th Street, Suite 204, New York, New York 10001.

copy, via first class mail, postage prepaid, to: Eve Hars, 923 3/4 North Beaudry Ave, Los Angeles, foregoing Response to Motion for Suspension was served upon registrant by forwarding said On November 12, 2019, the undersigned hereby certifies that a true and correct copy of the CA 90012; and to: Eve Hars, 12 N. Coronado, Los Angeles, CA 90026.

Executed on November 19, 2019.



ESTTA Tracking number:

ESTTA998562

Filing date:

08/29/2019

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

Proceeding	92057380
Party	Plaintiff Jaime Keeling
Correspondence Address	ADAM DAVIDS DAVOLI DAVIDS LLP 153 WEST 27TH STREET SUITE 204 NEW YORK, NY 10001 UNITED STATES adam@adamdavids.com 647-787-6683
Submission	Opposition/Response to Motion
Filer's Name	Adam Davids
Filer's email	adam@davolidavids.com
Signature	/Adam Davids/
Date	08/29/2019
Attachments	2019-08-29 - PBL Motion for Resumption of Petition.PDF(392418 bytes)



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

JAIME KEELING)	
Petitioner,)	In the Matter of Trademark Reg
)	No. 4,334,491
)	
v.)	Cancellation No. 92057380
)	
)	
)	For the Mark: Point Break Live
EVE HARS)	
Registrant)	Registered May 14, 2013

RESPONSE TO MOTION FOR SUSPENSION

On August 29, 2013, Registrant Eve Hars ("Respondent"), filed a Motion for Suspension based on Registrant's appeal to the Court of Appeals for the Second Circuit of the jury verdict in U.S. District Court of the Southern District of New York, case number 10-9345. The case was upheld on appeal and was denied a writ of certiorari.

STATEMENT OF FACTS

- 1. On August 29, 2013, Respondent filed a Motion for Suspension pursuant to Trademark Rule 2.117(a) pending final disposition on an appeal of the District Court's decision to the Court of Appeals.
 - 2. On October 30, 2013, Respondent's Motion for Suspension was granted.
- 3. On October 30, 2015, the Court of Appeals for the Second Circuit affirmed the District Court's judgment in its entirety. See **Exhibit A** attached hereto
- 4. On January 19, 2016, Respondent filed a writ of certiorari with the United States Supreme Court appealing the decision of the Court of Appeals for the Second Circuit.
- On June 27, 2016, Respondent's writ of certiorari was denied by the United States
 Supreme Court. See Exhibit B attached hereto.



Accordingly, Petitioner requests that the Board call up this case and resume the cancellation proceedings.

Dated: New York, New York August 29, 2019

DAVOLI DAVIDS, ILP

By:

Adam Davids

Attorney for Petitioner 153 West 27th Street, Suite 204 New York, NY 10001 (646) 415-9007 adam@davolidavids.com

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