

ESTTA Tracking number: **ESTTA1029882**

Filing date: **01/20/2020**

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 | Response to Board Order/Inquiry |
| Filer's Name | Adam Davids |
| Filer's email | adam@adamdavids.com |
| Signature | /Adam Davids/ |
| Date | 01/20/2020 |
| Attachments | 2020-01-20 - Proof of Email Service - Cancellation Petition Supplement.pdf(490487 bytes) |

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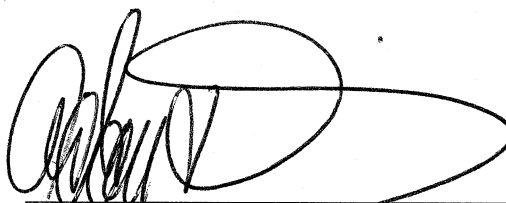
| | | |
|---------------|---|---------------------------------|
| JAIME KEELING |) | |
| Petitioner, |) | In the Matter of Trademark Reg. |
| |) | No. 4,334,491 |
| |) | |
| v. |) | Cancellation No. 92057380 |
| |) | |
| |) | |
| EVE HARS |) | For the Mark: Point Break Live! |
| Registrant |) | Registered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

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.

On January 20, 2020, the undersigned hereby certifies that a true and correct copy of the foregoing Response to Motion for Suspension was served upon registrant by forwarding said copy, via email, to: Eve Hars at newrocktheater@gmail.com.

Executed on January 20, 2020.



Adam Davids, Esq



Adam Davids <adam@adamdavids.com>

Point Break Live Trademark - Response to Motion for Suspension

1 message

Adam Davids <adam@adamdavids.com>

Mon, Jan 20, 2020 at 9:58 AM

To: New Rock Theater Productions <newrocktheater@gmail.com>

Dear Ms. Hars,

Please see the attached Response to Motion for Suspension In the Matter of Trademark Reg. No. 4,334,491, Cancellation No. 92057380, for the mark: Point Break Live! filed on August 29, 2019.

Sincerely,

Adam Davids

Adam Davids
adam@adamdavids.com

Davoli Davids, LLP
153 West 27th Street, Suite 204
New York, NY 10001
Work: 212.225.9380

 **2019-08-29 - PBL Motion for Resumption of Petition.PDF**
384K

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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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.
5. 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, LLP

By: 

Adam Davids

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

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