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

Proceeding no.	92076883
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Attachments	Plimsouls Reply in Further Support of Trial Brief.pdf(217286 bytes ) Peter Case Declaration ISO Reply Trial Brief.pdf(116229 bytes ) Louis Ramirez Declaration ISO Reply Trial Brief.pdf(118069 bytes ) Paparella Declaration ISO The Plimsouls Reply Trial Brief.pdf(111561 bytes ) Exhibit O.pdf(276753 bytes ) Exhibit P.pdf(353642 bytes ) Exhibit Q.pdf(314361 bytes ) Exhibit R.pdf(489684 bytes ) Exhibit S.pdf(360185 bytes ) Exhibit T.pdf(779179 bytes )

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

In the Matter of Registration No. 4,940,705

Date of Issue: April 19, 2016

The Plimsouls,

Petitioner,

v.

Edward Munoz,

Registrant.

Cancellation No. 92076883

Honorable Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITIONER'S REPLY TRIAL BRIEF**

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## PRELIMINARY STATEMENT

The evidence makes clear Edward Munoz did not trademark the Plimsouls name in 2015 because he believed the Plimsouls partnership had dissolved or abandoned its name. Mr. Munoz knew neither of these things was true. Mr. Munoz grabbed the Plimsouls name because he was angry that the band's lead singer and songwriter Peter Case had rejected Mr. Munoz's request to tour Australia as the Plimsouls in 2014. Whether Mr. Munoz was right to be angry at Mr. Case is irrelevant. Mr. Case's decision to pass on a Plimsouls tour did not dissolve the 35-year-old Plimsouls partnership or cause the partnership to abandon its name. In fact, Mr. Munoz admits he did not tell Mr. Case about his trademark application because he knew Mr. Case would object that the name was owned by the Plimsouls, and Mr. Case did indeed object the minute he found out.

Because Mr. Munoz's defense is built on false premises, it does not withstand scrutiny. Mr. Munoz does not identify any evidence that he, Mr. Case, Mr. Paho, or Mr. Ramirez ever intended to dissolve the Plimsouls partnership or abandon its name. The evidence shows only that Peter Case (like the other Plimsouls) balanced a solo career with Plimsouls work. Far from showing dissolution or abandonment, Mr. Munoz admits that during the 35 years before he sought his trademark, the Plimsouls partners engaged in all the standard activities of a rock and roll band: playing live, recording and releasing music, releasing new albums of old concerts, giving interviews, licensing music to streaming services, protecting copyrights, chasing royalties, and dealing with record companies.

It is settled law that a band retains ownership of its name if its partners engage in band-related activities, which may or may not include performing live. Mr. Munoz concedes the Plimsouls partnership has continuously engaged in band-related activities. He has offered no

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