

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

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Mailed: December 14, 2009

Opposition No. 91187137

Mr. Kirk Fotakis

v.

Motley Crue, Inc.

Ann Linnehan, Attorney

The Board's order dated December 10, 2009 which entered judgment against applicant and sustained the opposition, incorrectly identified applicant's September 4, 2009 motion for sanctions as opposer's motion. Accordingly, the Board's December 10, 2009 order is vacated and application Serial No. 77373768 will be returned to pending status.

Applicant's motion for discovery sanctions dated September 4, 2009 is hereby granted as conceded. See Trademark Rules 2.120(g) and 2.127(a).

Accordingly, judgment is hereby entered against opposer and the opposition is dismissed with prejudice. Applicant's application will move forward to issue in due course.