

ESTTA Tracking number: **ESTTA483327**

Filing date: **07/13/2012**

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

Proceeding	91203299
Party	Plaintiff Zynga Inc.
Correspondence Address	JOSHUA J RICHMAN IP LEGAL ADVISORS PC 4445 EASTGATE MALL SUITE 200 SAN DIEGO, CA 92121 UNITED STATES litigation@ipla.com
Submission	Withdrawal of Opposition
Filer's Name	John M. Kim
Filer's e-mail	litigation@ipla.com
Signature	/John M. Kim/
Date	07/13/2012
Attachments	Stipulation with Consent and Joint Motion to Dismiss re CUPIDVILLE (07-13-2012).pdf (9 pages)(32364 bytes)

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

Zynga Inc.,)	
)	Opposition No. 91203299
)	
Opposer,)	
)	Mark: CUPIDVILLE
v.)	Serial No. 85268276
)	Filing Date: March 16, 2011
James McGibney,)	Published: July 12, 2011
)	
Applicant.)	
)	
)	
)	
)	

STIPULATION WITH CONSENT AND JOINT MOTION TO DISMISS

Opposer Zynga Inc. and Applicant James McGibney hereby respectfully request that the Board take such action as is necessary to amend the subject application for CUPIDVILLE in its entirety as requested in the MOTION ON CONSENT TO AMEND APPLICATION filed on behalf of Applicant on July 3, 2012. A copy of the MOTION ON CONSENT TO AMEND APPLICATION filed on behalf of Applicant on July 3, 2012 is attached hereto for incorporation by reference.

Conditioned upon amendment of the subject application for CUPIDVILLE in its entirety as requested in the MOTION ON CONSENT TO AMEND APPLICATION filed on behalf of Applicant on July 3, 2012, Opposer Zynga Inc. and Applicant James McGibney hereby stipulate to dismiss the present opposition pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

SO STIPULATED.

Dated: July 13, 2012

Respectfully submitted,

BY:

/John M. Kim/

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WITH CONSENT BY:

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Attorney for Applicant

James McGibney

Certificate of Service

I hereby certify that on July 13, 2012, a copy of the foregoing was sent by U.S. mail to the following Attorney for Applicant and correspondent of record:

Jeffrey H. Kass
POLSINELLI SHUGHART PC
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/Eunice Yu/
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ESTTA Tracking number: **ESTTA481610**

Filing date: **07/03/2012**

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

Proceeding	91203299
Party	Defendant James Mcgibney
Correspondence Address	MATTHEW J SMITH POL SINELLI SHUGHART PC 100 S FOURTH STREET, SUITE 1100 ST. LOUIS, MO 63102 UNITED STATES jchallis@polsinelli.com, jmills@polsinelli.com, msmith@polsinelli.com, kgrady@polsinelli.com
Submission	Motion to Amend Application
Filer's Name	Michael P. Narducci
Filer's e-mail	mnarducci@polsinelli.com, jkass@polsinelli.com, msmith@polsinelli.com, scason@polsinelli.com
Signature	/Michael P. Narducci/
Date	07/03/2012
Attachments	Motion to Consent to Amend Application with certificate of service and certificate of transmission.pdf (5 pages)(39548 bytes)

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

Application Serial No.: 85268276
Opposition No.: 91203299
Mark: CUPIDVILLE
Filing Date: March 16, 2011
Publication Date: July 12, 2011

ZYNGA INC.,)
)
Opposer,)
)
v.)
)
)
JAMES MCGIBNEY, an individual,)
)
Applicant.)

MOTION ON CONSENT TO AMEND APPLICATION

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant, with Opposer’s consent, respectfully requests that the CUPIDVILLE application be amended by replacing the current description of services with the proposed Description of Services attached hereto.

It is respectfully submitted that this amendment is not a material alteration of the mark as the amendment serves to clarify and limit the services covered by the application. Thus, the amendment does not require republication.

Applicant respectfully requests that this request to amend the application be granted in its entirety.

Dated: June 29, 2012

Respectfully submitted,

POLSINELLI SHUGHART PC
Attorneys for Applicant

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CONSENTED TO:

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DESCRIPTION OF SERVICES

Current: Internet based social networking, introduction, and dating services.

Proposed: Internet based social networking, introduction, and dating services; *all of the aforementioned services excluding computer and electronic games provided online or on wireless devices and on any other technological device, platform or medium.*

CERTIFICATE OF SERVICE

I hereby certify that, on July 3, 2012 I caused a true and correct copy of the foregoing *Motion on Consent to Amend Application* to be sent via First Class Mail, postage prepaid, to Opposer's Attorneys and Correspondents of Record, John M. Kim, Esq. and Joshua J. Richman, Esq., IP Legal Advisors, P.C., 4445 Eastgate Mall Suite 200, San Diego, CA 92121

/Jeffrey H. Kass/

Jeffrey H. Kass

CERTIFICATE OF TRANSMISSION

I hereby certify that, on July 3, 2012 a copy of the foregoing *Motion on Consent to Amend Application* was filed electronically with the Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA).

/Jeffrey H. Kass/

Jeffrey H. Kass