

ESTTA Tracking number: **ESTTA648467**

Filing date: **01/06/2015**

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

Proceeding	91205896
Party	Plaintiff Beau L. Tardy
Correspondence Address	WENDY PETERSON NOT JUST PATENTS LLC PO BOX 18716 MINNEAPOLIS, MN 55418 UNITED STATES wsp@NJPLS.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Wendy Peterson
Filer's e-mail	wsp@NJPLS.com
Signature	/Wendy Peterson/
Date	01/06/2015
Attachments	Motion to Amend with Exhibit A.pdf(1422897 bytes)

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

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer/Opposer

v.

Wild Brain Entertainment, Inc., Applicant

MOTION TO AMEND NOTICE OF OPPOSITION

Another DIZZY mark SN 85509930 owned by Applicant has gone abandoned without a Statement of Use filed since the last amendment to the Notice of Opposition. See Exhibit A. Opposer wishes to add this application to the list of abandoned applications in paragraph 5 in the last amended Notice of Opposition that show a propensity by Applicant to improperly file applications in which it has no bona fide intent to use all the goods in the application.

Submitted By: /Wendy Peterson/

Date: January 6, 2015

Wendy Peterson, Attorney for Opposer, Beau Tardy

Not Just Patents LLC
PO Box 18716
Minneapolis, MN 55418
(651) 500-7590; wsp@NJPLS.com

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2015, the foregoing was served upon Applicant's attorney
by email to:

jreichman@kenyon.com, wmerone@kenyon.com, tmdocketny@kenyon.com

By: /Wendy Peterson/

Date: January 6, 2015

Wendy Peterson, Attorney for Opposer, Beau Tardy

STATUS **DOCUMENTS**[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2015-01-04 15:38:10 EST**Mark:** DIZZY**DIZZY****US Serial Number:** 85509930**Application Filing Date:** Jan. 05, 2012**Register:** Principal**Mark Type:** Trademark**Status:** Abandoned because no Statement of Use or Extension Request timely filed after Notice of Allowance documents in this file, click on the Trademark Document Retrieval link at the top of this page.**Status Date:** Dec. 23, 2013**Publication Date:** Mar. 26, 2013**Notice of Allowance Date:** May 21, 2013**Date Abandoned:** Dec. 23, 2013

Mark Information

Mark Literal Elements: DIZZY**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimwear, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks, tops, underwear, and wristbands, all in the field of character merchandise/children's entertainment.

International Class(es): 025 - Primary Class**U.S Class(es):** 022, 039**Class Status:** ACTIVE**Basis:** 1(b)

Basis Information (Case Level)

Filed Use: No**Currently Use:** No

Filed ITU: Yes	Currently ITU: Yes
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: Wild Brain Entertainment, Inc.

Owner Address: 15000 Ventura Blvd, 3rd Fl
Sherman Oaks, CALIFORNIA 91403
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Katherine L. McDaniel **Docket Number:** UMIGO-8742

Correspondent

Correspondent Name/Address: KATHERINE L MCDANIEL
FULWIDER PATTON LLP
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CALIFORNIA 90045 1598
UNITED STATES

Phone: (310) 242-2689

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 19, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 23, 2013	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Dec. 23, 2013	ABANDONMENT - NO USE STATEMENT FILED	99999
May 21, 2013	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 26, 2013	PUBLISHED FOR OPPOSITION	
Mar. 06, 2013	NOTICE OF PUBLICATION	
Feb. 19, 2013	PAPER RECEIVED	

EXHIBIT A

Feb. 19, 2013	TTAB RELEASE CASE TO TRADEMARKS	207309
Feb. 19, 2013	OPPOSITION TERMINATED NO. 999999	207309
Feb. 19, 2013	OPPOSITION DISMISSED NO. 999999	207309
Oct. 04, 2012	OPPOSITION INSTITUTED NO. 999999	207309
Jun. 11, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 05, 2012	PUBLISHED FOR OPPOSITION	
May 16, 2012	NOTICE OF PUBLICATION	
May 02, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 01, 2012	ASSIGNED TO LIE	68171
Apr. 11, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 11, 2012	EXAMINER'S AMENDMENT MAILED	
Apr. 10, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 10, 2012	EXAMINERS AMENDMENT -WRITTEN	83222
Apr. 10, 2012	ASSIGNED TO EXAMINER	83222
Jan. 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 09, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CHUO, EMILY M

Law Office Assigned: LAW OFFICE

File Location

Current Location: INTENT TO USE SECTION

Date in Location: May 21, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Applicant: Wild Brain Er

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4894/0326](#)

Pages: 11

Date Recorded: Nov. 05, 2012

Supporting Documents: [assignment-tm-4894-0326.pdf](#)

Assignor

Name: [WILD BRAIN ENTERTAINMENT, INC.](#)

Execution Date: Oct. 22, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Organized:
EXHIBIT A

Assignee**Name:** [ROYAL BANK OF CANADA](#)**Legal Entity Type:** ADMINISTRATIVE AGENT**State or Country Where Organized:** CANADA**Address:** 200 BAY STREET, SOUTH TOWER, ROYAL BANK PLAZA
TORONTO, ONTARIO, CANADA M5J 2W7**Correspondent****Correspondent Name:** BRYAN CAVE LLP**Correspondent Address:** TWO NORTH CENTRAL AVENUE, SUITE 2200
JULIE A. ESLICK
PHOENIX, AZ 85004**Domestic Representative - Not Found****Assignment 2 of 4****Conveyance:** RELEASE OF SECURITY INTEREST**Reel/Frame:** [5402/0505](#)**Pages:** 92**Date Recorded:** Nov. 13, 2014**Supporting Documents:** [assignment-tm-5402-0505.pdf](#)**Assignor****Name:** [ROYAL BANK OF CANADA](#)**Execution Date:** Oct. 30, 2013**Legal Entity Type:** ADMINISTRATIVE AGENT**State or Country Where Organized:** CANADA**Assignee****Name:** [COOKIE JAR ENTERTAINMENT INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CANADA**Address:** 266 KING STREET WEST
2ND FLOOR
TORONTO, CANADA M5V1H8**Name:** [4116372 CANADA INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CANADA**Address:** 100 WELLINGTON STREET WEST, SUITE 2300
TD WEST TOWER
TORONTO, ONTARIO, CANADA M5K 1A1**Correspondent****Correspondent Name:** JONATHAN D. REICHMAN, ESQ.**Correspondent Address:** ONE BROADWAY
NEW YORK, NY 10004**EXHIBIT A**

Domestic Representative

Domestic Representative JONATHAN D. REICHMAN, ESQ.

Name:

Domestic Representative ONE BROADWAY

Address: NEW YORK, NY 10004

Assignment 3 of 4

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [5402/0610](#)

Pages: 93

Date Recorded: Nov. 13, 2014

Supporting Documents: [assignment-tm-5402-0610.pdf](#)**Assignor**Name: [ROYAL BANK OF CANADA](#)

Execution Date: Oct. 30, 2013

Legal Entity Type: ADMINISTRATIVE AGENT

State or Country Where CANADA

Organized:

AssigneeName: [DHX MEDIA LTD.](#)

Legal Entity Type: CORPORATION

State or Country Where CANADA

Organized:

Address: 1478 QUEEN STREET
HALIFAX, NOVA SCOTIA, CANADA B3J 2H7**Correspondent**

Correspondent Name: JONATHAN D. REICHMAN, ESQ.

Correspondent Address: ONE BROADWAY
NEW YORK, NY 10004**Domestic Representative**

Domestic Representative JONATHAN D. REICHMAN, ESQ.

Name:

Domestic Representative ONE BROADWAY

Address: NEW YORK, NY 10004

Assignment 4 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [5403/0256](#)

Pages: 96

Date Recorded: Nov. 18, 2014

Supporting Documents: [assignment-tm-5403-0256.pdf](#)**Assignor**Name: [DHX MEDIA LTD.](#)

Execution Date: Oct. 31, 2013

EXHIBIT A

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Organized:

AssigneeName: [ROYAL BANK OF CANADA](#)

Legal Entity Type: ADMINISTRATIVE AGENT

State or Country Where Organized: CANADA

Organized:

Address: 200 BAY STREET, SOUTH TOWER, ROYAL BANK PLAZA
TORONTO, ONTARIO, CANADA M5J 2W7**Correspondent**

Correspondent Name: JONATHAN D. REICHMAN, ESQ.

Correspondent Address: ONE BROADWAY
NEW YORK, NY 10004**Domestic Representative**

Domestic Representative Name: JONATHAN D. REICHMAN, ESQ.

Name:

Domestic Representative Address: ONE BROADWAY
NEW YORK, NY 10004**Proceedings****Summary**Party type

Number of Proceedings: 2

Type of Proceeding: OppositionProceeding Number: [91207309](#)

Filing Date: Oct 03, 2012

Status: Terminated

Status Date: Feb 19, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Wild Brain Entertainment, Inc.

Correspondent Address: KATHERINE L MCDANIEL
FULWIDER PATTON LLP
6060 CENTER DRIVE, 10TH FLOOR
LOS ANGELES CA , 90045 1598
UNITED STATESCorrespondent e-mail: kmcdaniel@fulpat.com , DocketLA@fulpat.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DIZZY	Abandoned - No Statement Of Use Filed	85509930	

EXHIBIT A

Plaintiff(s)**Name:** Dizzy, Inc.**Correspondent Address:** MICHAEL B CHESAL
PERETZ CHESAL HERRMANN PL
201 S BISCAYNE BLVD, SUITE 1750
MIAMI FL , 33131
UNITED STATES**Correspondent e-mail:** mchesal@pch-iplaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DIZZY	Registered	85590548	4382089

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 03, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 04, 2012	Nov 13, 2012
3	PENDING, INSTITUTED	Oct 04, 2012	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Oct 11, 2012	
5	SUSPENDED	Oct 11, 2012	
6	AMDT TO APP AND WITHDRAWAL OF OP	Nov 14, 2012	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Feb 19, 2013	
8	TERMINATED	Feb 19, 2013	

Type of Proceeding: Extension of Time**Proceeding Number:** [85509930](#)**Filing Date:** Jun 11, 2012**Status:** Terminated**Status Date:** Oct 04, 2012**Interlocutory Attorney:****Defendant****Name:** Wild Brain Entertainment, Inc.**Correspondent Address:** KATHERINE L. MCDANIEL
FULWIDER PATTON LLP
6060 CENTER DR FL 10
LOS ANGELES CA , 90045-1598
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DIZZY	Abandoned - No Statement Of Use Filed	85509930	

EXHIBIT A

Potential Opposer(s)**Name:** Dizzy, Inc.

Correspondent Address: Josh E. Saltz
 Peretz Chesal & Herrmann, P.L.
 201 S. Biscayne Blvd., Suite 1750
 Miami FL , 33131
 UNITED STATES

Correspondent e-mail: trademarks@pch-iplaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 11, 2012	
2	EXTENSION OF TIME GRANTED	Jun 11, 2012	