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Filing date: **07/10/2013**

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

Proceeding	91209519
Party	Plaintiff OCV Intellectual Capital, LLC
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Submission	Other Motions/Papers
Filer's Name	Gary D. Krugman
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Signature	/Gary D. Krugman/
Date	07/10/2013
Attachments	H00161 Opposer's Response to Applicant's Motion for Relief From Final Judgment (July 10, 2013) As Filed.PDF(50078 bytes ) H00161 Exhibit to Opposer's Response (Stipulated Request for Amendment and Dismissal) July 10, 2013 - As Filed.PDF(64358 bytes )

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

OCV INTELLECTUAL CAPITAL, LLC,

Opposer,

vs.

MADE IN MARS, INC.,

Applicant.

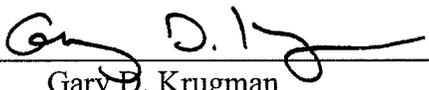
Opposition: 91209519

**OPPOSER'S RESPONSE TO APPLICANT'S MOTION  
FOR RELIEF FROM FINAL JUDGMENT**

Opposer, by its attorney, hereby responds to Applicant's Motion for Relief From Final Judgment. Specifically, Opposer stipulates that the Board's June 7, 2013 Judgment be vacated. The parties have reached an agreement and accompanying this paper is a Stipulated Request for Amendment of Goods in Applicant's Application and Request for Dismissal of Opposition Without Prejudice. The accompanying amendment serves to delete and limit certain items in Applicant's identification of goods and the parties have agreed that, upon approval and entry of this limiting amendment, the opposition may be dismissed without prejudice.

Respectfully submitted,

OCV Intellectual Capital, LLC

By: 

Gary D. Krugman  
Attorney for Opposer  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue  
Washington, DC 20037-3213  
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Enclosure: Stipulated Request for Amendment  
Of Goods in Applicant's Application and  
Dismissal Without Prejudice of Opposition

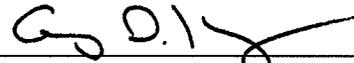
**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION FOR RELIEF FROM FINAL JUDGMENT has been served via first class mail, postage prepaid, this 10<sup>h</sup> day of July 2013 on:

Mr. Richard Pyles  
Made in Mars, Inc.  
330 Turnbull Canyon Rd.  
City of Industry, CA 91745  
Applicant

*and*

Mr. Scott R. Weber  
2090 Tynte Terrace  
The Villages, Florida 32162  
Attorney for Applicant

  
\_\_\_\_\_  
Gary D. Krugman

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

OCV INTELLECTUAL CAPITAL, LLC.

Opposer.

vs.

MADE IN MARS, INC.,

Applicant.

Opposition: 91209519

**STIPULATED REQUEST FOR AMENDMENT OF GOODS  
IN APPLICANT'S APPLICATION AND DISMISSAL  
WITHOUT PREJUDICE OF OPPOSITION**

The parties respectfully request that the description of goods in Applicant's Application Serial No. 85608422, be amended to read as follows:

Bags especially designed for surfboards; bags for skateboards; ball bearings for skateboards; body boards; flying discs; harnesses specially adapted for carrying skis and skateboards; kits for building surfboards; leashes for surfboards; nuts and bolts for skateboards; paddle surfboards; paddles for use with surfboards; plush dolls; protective padding for skateboarding; skateboard decks; skateboard grip tapes; skateboard rails; skateboard riser pads; skateboard trucks; skateboard wax; skateboard wheels; skateboards; skim boards; snow sleds for recreational use; stuffed and plush toys, excluding stuffed toy vehicles; stuffed toy animals; stuffed toys; surfboard carrier worn on the body; surfboard fins; surfboard holder worn on the body; surfboard leashes; surfboard repair patches; surfboard storage rack; surfboard traction pads; surfboard wax; surfboards; toy action figures; toy action figures and accessories therefor; traction pads for surfboards; water pistols; water squirting toys; waxing brushes for skiing.

By the forgoing amendment, Applicant has deleted "toy vehicles; toy vehicles and accessories therefor" and has modified "stuffed and plush toys" to specifically indicate that these items exclude "stuffed toy vehicles."

The amendment is entered as a result of an agreement reached between the parties which resolves the dispute between them. It is submitted that, since the amendment to the description

of goods in Applicant's application is limiting in nature, it is acceptable and should be entered and approved.

The parties further stipulate that, upon entry and approval of the amendment to the description of goods in Applicant's application, the opposition should be dismissed without prejudice.

Respectfully submitted,

OCV Intellectual Capital, LLC

Made in Mars, Inc.

By: Gary D. Krugman

By: Richard Pyles

Name: Gary D. Krugman

Name: Richard Pyles

Title: Attorney for Opposer

Title: President

Date: 7/9/13

Date: 7/8/13