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

Proceeding	91213064
Party	Plaintiff Provident Precious Metals, LLC
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Date	05/20/2016
Attachments	Response to Suspension Inquiry.pdf(205421 bytes )

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

In the Matter of Application Serial No. 85/824,772  
For the mark SILVER BULLET BULLION

Provident Precious Metals, LLC	)	
	)	
Opposer,	)	Opposition No.: 91213064
	)	
v.	)	
	)	
	)	
Northwest Territorial Mint, LLC	)	
	)	
Applicant.	)	
_____	)	

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

**RESPONSE TO SUSPENSION INQUIRY**

In response to the Board’s inquiry (Dkt. #11), Opposer, Provident Precious Metals, LLC, states that the civil action that brought about the suspension of this proceeding has been terminated. Attached is a copy of the July 28, 2015 Judgment and Order from the United States District Court for the Northern District of Texas, ordering that any alleged trademark rights claimed by the Applicant, Northwest Territorial Mint, LLC, in the term SILVER BULLET BULLION are invalid and unenforceable.

Therefore, Opposer requests that the Board remove the suspension issued in connection with this matter. Further, Opposer renews the request that Application Serial No. 85/824,772 be

denied, and SILVER BULLET BULLION be refused registration in view of the Judgment and Order from the United States District Court for the Northern District of Texas.

Date: May 20, 2016

By: /Jason A. Worgull/  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Response to Board Request has been served on Michael G. Atkins, Esq., attorney of record for Applicant, at Atkins Intellectual Property, PLLC, 93 S Jackson St #18483, Seattle, Washington 98104-2818, by placing the same in the First Class United States mail, postage prepaid this 20<sup>th</sup> day of May 2016.

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Attorney for Opposer

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

PROVIDENT PRECIOUS METALS, LLC,

Plaintiff,

v.

NORTHWEST TERRITORIAL MINT, LLC,

Defendant.

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No. 3:13-cv-02942-M

**JUDGMENT**

Pursuant to the Court’s July 27, 2015 Memorandum Opinion and Order granting summary judgment for Plaintiff Provident Precious Metals, LLC (“Provident”) against Defendant Northwest Territorial Mint, LLC (“NWTM”) on Provident’s declaratory judgment claims, it is **ORDERED, ADJUDGED, and DECREED** that:

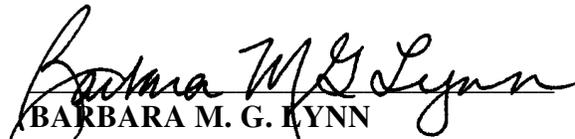
1. The alleged trademark rights asserted by NWTM for “SILVER BULLET BULLION,” “COPPER BULLET BULLION,” and “BULLET BULLION” are invalid and unenforceable;
2. The alleged trade dress rights asserted by NWTM for its Silver Bullet Bullion and Copper Bullet Bullion products, including (1) a head stamp, (2) packaging, and (3) shape evoking the feel of a real bullet [Dkt. No. 74 at 10–11], are invalid and unenforceable;
3. The alleged copyrights asserted by NWTM for its 7.62 NATO, .50 BMG, 12 Gauge, .45 ACP, and 20 MM Silver Bullet Bullion products are invalid and unenforceable;

4. NWTM has no valid claim for federal trademark infringement under 15 U.S.C. § 1125(a)(1), or claims under Texas law for trademark infringement, unfair competition, or unjust enrichment. Defendants' counterclaims are **DISMISSED with prejudice.**

It is **ORDERED** that costs of court are taxed against Defendant.

**SO ORDERED.**

July 28, 2015.

  
**BARBARA M. G. LYNN**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**