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

Proceeding	91226792
Party	Defendant Christopher Morales
Correspondence Address	HARRY FINKEL HARRY FINKEL LAW 5042 WILSHIRE BLVD # 26291 LOS ANGELES, CA 90036-4305 UNITED STATES harry@creativlaw.com, harry.finkel@gmail
Submission	Other Motions/Papers
Filer's Name	Harry Finkel
Filer's e-mail	harry@creativlaw.com
Signature	/Harry Finkel/
Date	05/11/2016
Attachments	11 May 2016 Motion to Amend Application.pdf(342458 bytes)

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

VICE MEDIA CANADA, INC.,)
)
Opposer,)
)
v.)
)
CHRISTOPHER MORALES,)
)
Applicant.)

Applicant Serial No.:	86/490,497
Filed:	December 24, 2014
Published for Opposition:	November 10, 2015
Mark:	VICEVERSA

37 CFR §2.133 MOTION TO AMEND TRADEMARK APPLICATION

The parties, applicant, Christopher Morales (“Applicant”), and Vice Media Canada, Inc. (“Opposer”) have met and conferred with regard to the Notice of Opposition filed by Opposer on March 9, 2016. Pursuant to 37 CFR §2.133, Applicant, with the consent of Opposer, respectfully requests that the Trademark and Trial Appeal Board approve an amendment to his application, serial number 86/490,497. As may be seen upon review of the communication attached as Exhibit A, Opposer has consented to the amendment.

Pursuant to 37 CFR §2.71(a) Applicant asks the Court to approve a limitation of the identification of services covered within his application, as may be seen upon review of Exhibit B hereto. Exhibit B provides the current identification of services, a red-lined version the current identification of services that reflects the parties' agreed upon limitations, and a clean, non-redlined, version of the proposed amended identification of services for Applicant's mark.

Respectfully submitted,

Christopher Morales

By his attorney,

Dated: May 11, 2016

/Harry Finkel/
Harry Finkel

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Attorney for Applicant

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing 37 CFR §2.133 MOTION TO AMEND TRADEMARK APPLICATION is being submitted electronically through the Trademark Trial and Appeal Board’s ESTTA System on this 11th day of May 2016.

_____/Harry Finkel/
Harry Finkel

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing 37 CFR §2.133 MOTION TO AMEND TRADEMARK APPLICATION was served by first class mail, postage prepaid, on this 11th day of May, 2016, on Opposer at the following address of record listed below:

Kimberly B. Herman
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109
United States
kherman@sandw.com

_____/Harry Finkel/
Harry Finkel

EXHIBIT A

5/9/2016

Gmail - ViceVersa - Revised ID



Harry Finkel <harry.finkel@gmail.com>

ViceVersa - Revised ID

Harry Finkel <harry@creativlaw.com>
Draft

Mon, May 9, 2016 at 2:36 PM

----- Forwarded message -----

From: Palmisciano, Michael S. <mpalmisciano@sandw.com>

Date: Fri, May 6, 2016 at 8:35 AM

Subject: RE: ViceVersa - Revised ID

To: Finkel Harry <harry@creativlaw.com>

Cc: "Herman, Kimberly" <kherman@sandw.com>, "Momorella, Anthony" <amomorella@sandw.com>, Trademark <Trademark@sandw.com>

Harry,

To follow up on Kim's email, before Vice withdraws its opposition, we would request that today your client files a consented motion with the TTAB to amend its ID of services as set forth below. The motion should be filed in accordance with TBMP §514.02 ([here](#)). Once the TTAB accepts your amendment, our client will withdraw the opposition.

Please let us know if you wish to discuss. We look forward to resolving this matter.

Mike

Michael S. Palmisciano
Attorney at Law

Sullivan & Worcester LLP

One Post Office Square

Boston, MA 02109

T: (617) 338-2977 | F: (617) 338-2880

mpalmisciano@sandw.com | sandw.com

From: Herman, Kimberly

Sent: Friday, May 06, 2016 10:31 AM

To: Finkel Harry

Cc: Palmisciano, Michael S.; Momorella, Anthony; Trademark

<https://mail.google.com/mail/u/0/?ui=2&ik=5f3actd7ca&view=pt&q=kherman%40sandw.com&qs=true&search=query&msg=1548773103078c45&dsqt=...> 1/3

5/9/2018

Gmail - ViceVersa - Revised ID

Subject: ViceVersa - Revised ID

Hi Harry -

Following up on our email exchange - I spoke with my client this morning and they are ok with your client retaining all production services in their ID - so we're fine with the ID as you proposed this week (copied below). We'll withdraw the opposition ASAP.

Please let me know if we need to discuss.

Regards,

Kim

Entertainment services in the nature of live audio performances by a rock music group; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live visual and audio performances by a rock music group; Entertainment services in the nature of live visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Entertainment, namely, live performances by rock group; Live performances by a musical group; Music production services; Production of musical sound recording.

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EXHIBIT B

Current Listing of Goods and Services U.S. Serial No. 86/490,497:

Entertainment services in the nature of live audio performances by a rock music group; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live visual and audio performances by a rock music group; Entertainment services in the nature of live visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Entertainment services in the nature of presenting live musical performances; Entertainment, namely, live music concerts; Entertainment, namely, live performances by rock groups; Live performances by a musical group; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Music composition services; Music production services; Music publishing services; Organization of exhibitions for musical entertainment; Production of musical sound recording; Theatrical and musical floor shows provided at performance venues

Current Listing of Goods and Services U.S. Serial No. 86/490,497 – Red-lined:

Entertainment services in the nature of live audio performances by a rock music group; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live visual and audio performances by a rock music group; Entertainment services in the nature of live visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; ~~Entertainment services in the nature of presenting live musical performances; Entertainment, namely, live music concerts; Entertainment, namely, live performances by rock groups;~~ Live performances by a musical group; ~~Multimedia entertainment services in the nature of recording, production and post production services in the fields of music, video, and films; Music composition services;~~ Music production services; ~~Music publishing services; Organization of exhibitions for musical entertainment;~~ Production of musical sound recording; ~~Theatrical and musical floor shows provided at performance venues~~

Proposed Amended Listing of Goods and Services U.S. Serial No. 86/490,497 - Clean:

Entertainment services in the nature of live audio performances by a rock music group; Entertainment services in the nature of live musical performances; Entertainment services in the nature of live visual and audio performances by a rock music group; Entertainment services in the nature of live visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Live performances by a musical group; Music production services; Production of musical sound recording

DECLARATION OF HARRY FINKEL

1. I am a member of the State Bar of California. I am counsel of record for Applicant Christopher Morales (“Applicant”) in this matter. All of the matters stated herein are of my own personal knowledge, and if called as a witness, I could and would testify competently thereto. I make this declaration in support of Applicant’s 37 CFR §2.133 MOTION TO AMEND TRADEMARK APPLICATION (the “Motion”).
2. Attached hereto as **Exhibit A** is a true and correct copy of the May 6, 2016 email communications I received from Kimberly Herman (kherman@sandw.com) and Michael S. Palmisciano (mpalmisciano@sandw.com), self-identified as attorneys at Sullivan & Worcester LLP, counsel of record for Vice Media Canada, LLC (“Opposer”), the entity opposing Applicant’s registration. Mr. Palmisciano and Ms. Herman are copied on the emails sent by one another, also copied on the email communications were Anthony Momorella (amomorella@sandw.com) and the email address Trademark@sandw.com.
3. As may be seen upon review of **Exhibit A**, Opposer has consented to withdrawing its Notice of Opposition filed on March 9, 2016 upon Applicant’s filing of this Motion and amending the identification of services as set forth within the email communications exchanged.
4. Attached hereto as **Exhibit B**, is a true and correct recitation of the current identification of services for the mark at issue in the Motion, U.S. Serial Number 86/460,497, obtained from the online Trademark Search system on the website of the United States Patent and Trademark office located at <http://tsdr.uspto.gov/>. Thereafter, **Exhibit B** contains the proposed amendment to the current identification of services

consented to by Opposer in a red-lined format, and a clean, non-redlined version of proposed amendment.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on May 11, 2016

/Harry Finkel/
Harry Finkel