

ESTTA Tracking number: **ESTTA746921**

Filing date: **05/17/2016**

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

Proceeding	92054496
Party	Plaintiff Hat World, Inc.
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Date	05/17/2016
Attachments	OT160006US00 Consent Motion to Substitute.pdf(47869 bytes)

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

Hat World, Inc.)	
)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92054496
)	
Pass The Roc Athletics, Inc.)	
)	
Respondent.)	
)	

CONSENT MOTION TO SUBSTITUTE RESPONDENT
AND FOR SUSPENSION OF PROCEEDINGS
AND APPEARANCE OF NEW COUNSEL

BSN Sports, LLC, through its undersigned counsel, hereby moves for an order substituting BSN Sports, LLC as the party Petitioner, in place of Hat World, Inc., in the above-captioned cancellation proceeding.

In support of this Motion, it is noted the BSN Sports, LLC is the assignee of the “U.S. Trademark Registration for the mark THE ROCK and variations thereof (the ROCK Marks”) pleaded in paragraph 1 of the Petition for Cancellation filed herein on September 14, 2011, by virtue of an assignment dated January 19, 2016, recorded in the Trademark Office Assignment Records on February 1, 2016 at Reel 5721/Frame 0252 (see attached Electronic Trademark Assignment System Notice of Recordation of Assignment Document).

Pursuant to 37 CFR §3.71(d), “The assignee of a trademark application or registration may prosecute a trademark application, submit documents to maintain a trademark registration, or file papers against a third party in reliance on the assignee's trademark application or registration, to the exclusion of the original applicant or

previous assignee. The assignee must establish ownership in compliance with § 3.73(b)". Here, ownership has been established by the attached Notice of Recordation.

Pursuant to a May 17, 2016 telephone conference with Respondent's counsel, Lisa Mottes, it is understood that Respondent consents to the requested substitution.

Accordingly, BSN Sports, LLC respectfully moves for an order substituting BSN Sports, LLC in place of Hat World, Inc. as the party Petitioner in the above-captioned cancellation proceeding, recognizing undersigned counsel as counsel of record representing the substituted Petitioner; and for a 90-day suspension of proceedings to enable undersigned counsel to review the just-transferred files of Hat World, and to potentially resume previous settlement discussions with Respondent once the files have been reviewed.

Respectfully submitted,

BSN SPORTS, LLC

Date: May 17, 2016

By: /Simor L. Moskowitz/

Simor L. Moskowitz

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Atty. Dkt. No.: OT160006US00

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO SUBSTITUTE PETITIONER AND FOR SUSPENSION OF PROCEEDINGS was served via email (per agreement), upon

Lisa Mottes, Esq.
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this 17th day of May, 2016.

/Simor L. Moskowitz/