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

Proceeding	92056510
Party	Plaintiff Republic of Texas Biker Rally, Inc.
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Submission	Withdrawal of Cancellation
Filer's Name	Carl F. Schwenker
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Date	02/18/2014
Attachments	2014.02.18 - Joint Stipulation of Dismissal Without Prejudice.pdf(174852 bytes)

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

In re Registration of:

Registrant : Ogudo, Peter C.
Reg. No. : 4,164,790
Mark : ADAM LOOPHOLE PRESENTS ROT APPAREL
Registration Date : June 26, 2012

REPUBLIC OF TEXAS BIKER RALLY, INC., :
Petitioner :
v. : Cancellation No. 92056510
PETER C. OGUDO, :
Registrant/Respondent :

Via Electronic Filing
Commissioner for Trademarks
Box TTAB, FEE
P.O. Box 1451
Alexandria, VA 22313-1451

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Petitioner Republic of Texas Biker Rally, Inc. ("Petitioner" or "Republic") and Registrant Peter C. Ogudo ("Respondent" or "Ogudo") hereby notify the Trademark Trial & Appeal Board ("Board") pursuant to TBMP § 605, *et al.*, of the parties' resolution of the above-referenced cancellation proceeding via, in part, the assignment of Respondent's Registration No. 4,164,790 for the mark ADAM LOOPHOLE PRESENTS ROT APPAREL (the "LOOPHOLE Registration") to Petitioner.

Accordingly, it is hereby stipulated by the parties that the petition for cancellation of the LOOPHOLE Registration, including all claim(s) and any counterclaim(s) of either party, be dismissed without prejudice.

Respondent Ogudo further STIPULATES and AGREES and that:

(1) Petitioner Republic owns the trademarks and service marks *ROT RALLY*®; *R.O.T. BIKER RALLY*®; *ROT BIKER RALLY*®; *R.O.T. BIKER RALLY*®; and *REPUBLIC OF TEXAS BIKER RALLY*® and the federal trademark registrations thereon and all associated goodwill. Republic also owns Republic's Common Law Marks, including the common law trademarks and service marks *R.O.T.*™, *ROT*™ (including the pending "ROT" and "R.O.T." applications for registration, Serial Nos. 85/419,354 and 85/418,830), and the ROT Cow Skull Logo & Design (pictured immediately below) and all associated goodwill.



(2) By virtue of Republic's long, continuous and exclusive use of Republic's Registered Marks and of the *R.O.T.*™, *ROT*™, and the ROT Cow Skull Logo & Design marks and by virtue of Republic's extensive marketing efforts associated therewith, each of Republic's Registered Marks and the *R.O.T.*™, *ROT*™, and ROT Cow Skull Logo & Design marks are famous within the meaning of 15 U.S.C. § 1125(c) and have become distinctive of Republic's goods and services

(3) Each of Republic's Registered Marks and each of Republic's Common Law Marks (including *R.O.T.*™ and *ROT*™) is distinctive, valid and enforceable and all such marks are protectable as trademarks of Republic.

