

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

VV

Mailed: November 23, 2015

Cancellation No. 92058935

CWS Apartment Homes, LLC

v.

*Marquise Investment, LLC by
assignment from Blair Schlossberg and
Moshe Manoah*

Elizabeth A. Dunn, Attorney (571-272-4267):

This case comes up on consented motions to substitute Respondent in the cancellation proceeding, to amend the subject registration, and, contingent upon entry of the amendment, to withdraw the petition to cancel.¹

Substitution of Party

The USPTO Assignments database reveals that Registrants, Blair Schlossberg and Moshe Manoah, assigned their entire interest in the subject Registration to Marquise Investment, LLC, on February 12, 2015. This assignment was recorded

¹ To the extent that the parties request Board action with respect to Petitioner's pleaded application Serial Nos. 8595691 and 85969417, the parties are advised that the Board does not have jurisdiction over those applications, which remain at the examination stage. If Petitioner wishes to add documents to the files for its applications, Petitioner must do so directly.

with the Assignment Office of the USPTO.² If a mark is assigned and a copy of the assignment is filed with the Board, the assignee ordinarily will be substituted for the originally named party if the assignment occurred prior to the commencement of the proceeding, if the discovery and testimony periods have closed, if the assignor is no longer in existence, or if the adverse party raises no objection to substitution. TBMP § 512.01 (2015). In view of Petitioner's consent thereto, the motion to substitute Marquise Investment, LLC is **granted**.

Amendment of Registration

On October 20, 2015, Respondent filed a proposed amendment to Registration No. 4413440, with Petitioner's consent. The Board notes that the Respondent(s) has requested that the payment information in the instant request for amendment of the subject registration be kept confidential.³ Respondent is allowed until fifteen days from the mailing date of this order, to file a redacted version of its October 22, 2015 filing.

By the proposed amendment Respondent seeks to amend the recitation of services in International Class 36 of the above referenced Registration **from** "Leasing of real estate; Real estate investment services; Real estate management services" **to** "Real estate investment services." Although the amendment is otherwise acceptable, it was **not verified or supported by a declaration under Trademark Rule 2.20**. See Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b).

² Reel 5458/Frame 0776 (February 12, 2015).

³ In view of the Respondent authorization, \$100 fee for the amendment of the U.S. Registration 4413440 is being charged against Respondent's deposit account.

Cancellation No. 92058935

Accordingly, Respondent is allowed thirty days from the mailing date of this order to submit a declaration in support of the amendment, failing which said amendment will be given no further consideration.

Action on the withdrawal of the petition is deferred pending Respondent's response to this order. Proceedings are otherwise suspended.

A copy of this order is sent to all parties listed below:

CC:

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