

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

Am

Mailed: August 11, 2016

Cancellation No. 92060348

Cancellation No. 92061050

BuzzBallz, L.L.C.

v.

BuzzBox Beverages, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Proceedings herein have been suspended since May 15, 2015 pending final determination of a civil action styled *Buzzballz, L.L.C., v. Buzzbox Beverages, Inc.*, Case No. 5:14-cv-01725, filed in the United States District Court for the Central District of California. On July 12, 2016, Petitioner filed a copy of a judgment on the verdict that was issued on June 27, 2016 in that civil action.

The judgment on the verdict indicates that a jury found, among other things, that (1) Respondent's use of its word mark BUZZBOX (the subject of Registration No. 4618174, the involved registration in Cancellation No. 92060348) "has not caused a likelihood of confusion" with the BUZZBALLZ marks in Petitioner's pleaded Registration Nos. 3865524 and 4498235, and (2) Respondent's "use of its graphic mark for the term 'BuzzBox'" (the subject of Registration No. 4646160, the involved registration in Cancellation No. 92061050) "has caused a likelihood of

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confusion with” the BUZZBALLZ marks in Petitioner’s pleaded registrations. The judgment on the verdict indicates that the parties’ attorneys approved the judgment on the verdict “as to form and content.”

In view of these jury findings,

(1) Petitioner is allowed until thirty days from the mailing date set forth in this order to show cause why Cancellation No. 92060348 should not be dismissed with prejudice, and

(2) Respondent is allowed until thirty days from the mailing date set forth in this order to show cause why Cancellation No. 92061050 should not be sustained.

Proceedings herein otherwise remain suspended.