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

Proceeding	92060348
Party	Plaintiff BuzzBallz, L.L.C.
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Date	04/15/2015
Attachments	Joint Stipulation.pdf(13370 bytes )

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

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In the matter of trademark Registration No. 4,618,174

For the mark “**BUZZBOX**”

Registered on October 7, 2014

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**BuzzBallz, L.L.C.,**

Petitioner,

v.

Cancellation No. 92060348

**BuzzBox Beverages, Inc.,**

Registrant.

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To the Commissioner for Trademarks:

**Joint Stipulation Setting Respondent BuzzBallz, L.L.C.’s Deadline to Respond to Movant BuzzBox Beverages, Inc.’s Notice of and Motion to Vacate Entry of Default Judgment**

COME NOW, Respondent BuzzBallz, L.L.C. (“Respondent”) and Movant BuzzBox Beverages, Inc.’s (“Movant”)<sup>1</sup>, who file this Joint Stipulation Setting Respondent BuzzBallz, L.L.C.’s Deadline to Respond to Movant BuzzBox Beverages, Inc.’s Notice of and Motion to Vacate Entry of Default Judgment (the “Stipulation”) and, in support thereof, would show the Board the following:

**I. FACTUAL BACKGROUND**

1. On or about November 10, 2014, Respondent filed its Petition to Cancel against Movant.

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<sup>1</sup> For the Board’s clarity, Respondent was Petitioner and Movant was Registrant in the prior cancellation proceedings.

2. On or about January 5, 2015, the Board issued its Notice of Default and Show Cause Order.

3. On or about February 17, 2015, the Board issued its Order of Default against Movant and granted Respondent's Petition to Cancel.

4. On or about April 13, 2015, Movant filed its Notice of and Motion to Vacate Entry of Default Judgment (the "Motion to Vacate").

5. On or about April 14, 2015, Movant forwarded a copy of the Motion to Vacate to Respondent via electronic mail.

## II. ARGUMENTS & AUTHORITIES

6. Electronic service under 37 C.F.R. § 2.119(b)(6) is only effective if it is mutually agreed upon by the parties. *See id.* & TBMP § 113.04.

7. Additionally, "ESTTA does not automatically serve papers upon opposing parties or provide notice of their filing." TBMP § 110.09(d).

8. "[A] brief in response to a motion shall be filed *within fifteen days from the date of service of the motion* unless another time is specified by the Trademark Trial and Appeal Board, *or the time is extended by stipulation of the parties approved by the Board*, or upon motion granted by the Board, or upon order of the Board." 37 C.F.R. § 2.127(a) (emphasis added).

9. Accordingly, because Respondent's deadline to file response cannot be determined in accordance with the foregoing rules, and in the interest of mutual cooperation and expediency, Movant and Respondent hereby stipulate to set Respondent's deadline to respond to the Motion to Vacate for May 8, 2015 and request that the Board approve same.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Respondent BuzzBallz, L.L.C. and Movant BuzzBox Beverage, Inc. pray that the Board approve this Stipulation and set Respondent's deadline to respond to Movant's Motion to Vacate for May 8, 2015. Respondent and Movant pray for such further relief, whether at law or in equity, to which they may show themselves to be justly entitled.

**DATED:** April 15, 2015

Respectfully submitted,  
**WILSON LEGAL GROUP P.C.**

**SBEM&P L.L.P.**

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