

ESTTA Tracking number: **ESTTA693731**

Filing date: **09/03/2015**

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

Proceeding	92061974
Party	Plaintiff Cybernet Entertainment, LLC
Correspondence Address	ALEX AUSTIN AUSTIN LAW GROUP 799 CASTRO STREET SAN FRANCISCO, CA 94114 UNITED STATES austin@austinlawgroup.com, swanson@austinlawgroup.com
Submission	Other Motions/Papers
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Date	09/03/2015
Attachments	2015.9.3 Kink Further Opp to Stay FINAL.pdf(146240 bytes)

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Attorneys for Petitioner Cybernet Entertainment, LLC

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

Cybernet Entertainment, LLC

Petitioner;

v.

Balance Studios Inc.

Registrant.

Cancellation No. 92061974

In re Registration No. 3958399

For the Mark KINK ACADEMY

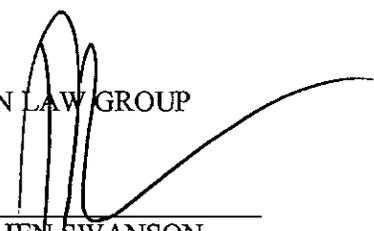
Registered On May 10, 2011

**STATEMENT AND EXHIBIT IN FURTHER OPPOSITION
TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS**

On September 03, 2015, Registrant voluntarily dismissed all of its' federal claims against Petitioner Cybernet Entertainment LLC. (Ex. 1.) The pending federal action was the sole basis for Registrant's motion to suspend the present cancellation proceedings. Accordingly, because there are no longer federal claims pending, Registrant's motion should be denied and it should be ordered to answer the complaint.

Dated: September 03, 2015

AUSTIN LAW GROUP

By: 

JULIEN SWANSON
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Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that this STATEMENT AND EXHIBIT IN FURTHER OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS is being deposited in the United States Postal Service with sufficient postage as first class mail, using normal business practices, in an envelope addressed to the Registrant at **Balance Studios Inc., a Delaware Corporation, located at 411A Highland Avenue, #101 Somerville Massachusetts 02144**, on September 3, 2015.

Executed this 03rd day of September, 2015, at San Francisco, California.

By: _____

Julien Swanson

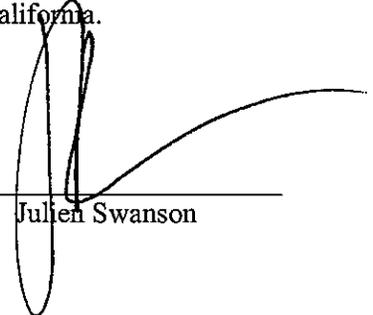


EXHIBIT 1

1 HEATHER R. NORTON, CA State Bar No. 257014
2 LAW OFFICE OF HEATHER NORTON
236 West Portal Avenue Suite 143
3 San Francisco, CA 94127
Telephone: 415.379.4171
4 Heather@heathernortonlaw.com

5 Attorney for Plaintiff Balance Studios, Inc. d/b/a
Kink Academy.

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9
10 Balance Studios, Inc., a Delaware
Corporation d/b/a Kink Academy,

11 Plaintiff,

12 v.

13 Cybernet Entertainment, LLC, a California
14 entity d/b/a Kink.com,

15 Defendant.

Case No. 3:15-cv-03441

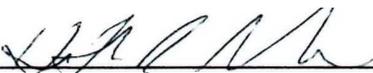
NOTICE OF VOLUNTARY DISMISSAL

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30 Voluntary Dismissal
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1 TO THE COURT, ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:

2 Plaintiff hereby voluntarily dismisses this lawsuit pursuant to Federal Rule of Civil
3 Procedure 41(a). Such dismissal shall be without prejudice, with each side to bear its own costs
4 and fees.

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6
7 DATED: September 3, 2015

By: 
Heather R. Norton
Law Office of Heather Norton
Attorney for Plaintiff Balance Studio, Inc.
d/b/a Kink Academy

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I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: September 3, 2015

By: 
Heather R. Norton
Law Office of Heather Norton
Attorney for Plaintiff Balance Studio, Inc.
d/b/a Kink Academy