

**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**

Mailed: February 6, 2016

Concurrent Use No. 94002650

*Roof Deck Entertainment LLC
(Application Serial No. 86135035)*

v.

*Live! Holdings, LLC
(Registration No. 3857629)*

LIVE! HOLDINGS LLC
601 E PRATT ST
6TH FLOOR
BALTIMORE, MD 21202
UNITED STATES

Re: Defendant's Registration No. 3857629

Issued: 10/5/2010

**Denise M. DelGizzi,
Chief Clerk of the Board:**

The applicant in application Serial No. 86135035 has applied for a concurrent use registration for the trademark or service mark set forth below.

| | |
|-------------------|--|
| Name of applicant | :Roof Deck Entertainment, LLC |
| Applicant's mark | :MARQUEE |
| Goods or services | :Nightclubs; beach clubs, namely, an establishment which offers live disc jockey music, dancing, and recreational facilities for water activities in the nature of swimming and recreational hot tub lounging; entertainment services, namely, arranging and conducting parties, arranging and |

conducting special events for social entertainment purposes, dance events, and disc jockey services featuring recorded music; in International Class 41; and

:Restaurant, bar and cocktail lounge services; beach clubs, namely, an establishment which offers cocktail lounge services, food, alcoholic and non-alcoholic beverages

Filing date :12/4/2013

Territory of use :The area comprising the states of New York and Nevada.

Attorney :Howard Shire
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In its application, the applicant (plaintiff in this proceeding) has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark.

Your mark, goods or services, and territory of use, *as acknowledged in* the referenced application, are set out below in a summary of details of the application.

Your Registration No. :3857629

Your mark :The Marquee

Your goods or services :Night club; entertainment services, namely, providing musical venues for live and pre-recorded concerts; in International Class 41; and

Restaurant, cocktail lounge, and bar services; in International Class 43

Your territory of use :The area comprising the entire United States except the states of New York and Nevada.

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you (as defendant in this proceeding) and, if applicable, any other party listed in the caption of this order, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

On August 8, 2015, Applicant submitted, via the Examining Operations online filing system, the parties' consent to concurrent use agreement. A copy of the agreement is of record of this proceeding and the matter is forwarded for consideration of the agreement. A decision will issue in due course.

You must advise the Trademark Trial and Appeal Board of any relevant applications or registrations, other than those already referenced herein, which should be included in this concurrent use proceeding.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

CC:

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