

ESTTA Tracking number: **ESTTA635319**

Filing date: **10/27/2014**

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

Proceeding	91190444
Party	Plaintiff Detroit Tigers, Inc.
Correspondence Address	MARYANN E LICCIARDI COWAN LIEBOWITZ LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES mel@cll.com, trademark@cll.com, jmn@cll.com
Submission	Other Motions/Papers
Filer's Name	Maryann E. Licciardi
Filer's e-mail	donohuepatents@gmail.com, mel@cll.com, trademark@cll.com, trademark@cll.com
Signature	/Maryann E. Licciardi/
Date	10/27/2014
Attachments	LIONS TIGERS BEERS - Motion to Amend Application 102714.pdf(376065 bytes)

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

In re Application Serial Nos. 77/510,960 and 77/510,979

Filed: June 30, 2008

For Marks: LIONS & TIGERS & BEERS LTB SPORTS CLUB OH MY! and Design and
LIONS & TIGERS & BEERS OH MY!

Published in the Official Gazette: December 2, 2008

-----X
:
DETROIT TIGERS, INC., :
:
Opposer, :
v. :
:
LTB OPERATIONS LC, :
:
Applicant. :
:
-----X

Opposition No. 91190444

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION ON CONSENT TO AMEND APPLICATION WITH A SUBSTITUTE
SPECIMEN PURSUANT TO SETTLEMENT AGREEMENT
AND TO SUSPEND PROCEEDINGS PENDING APPLICATION AMENDMENT**

Applicant, by and through counsel, hereby moves the Board to withdraw the specimen of use previously filed in connection with Application No. 77/510,960 and to replace it with the specimen attached hereto as Exhibit A. In addition, Applicant moves the Board to suspend proceedings in this opposition until such time as Application No. 77/510,960 has been amended to include the substitute specimen. Opposer's counsel consented to this motion, including the replacement specimen as well as the suspension of proceedings.

On October 10, 2014 the parties entered into a settlement agreement that stipulates the withdrawal of the current specimen filed with Application No. 77/510,960 and the submission of the substitute specimen attached hereto as Exhibit A. The parties, therefore, will be in a position to withdraw without prejudice the present opposition proceeding following the acceptance and entry of the substitute specimen by the Board.

A suspension of the proceedings is also therefore appropriate to allow for the approval and entry of the substitute specimen for Application No. 77/510,960. It is believed that once the substitute specimen has been entered, the withdrawal without prejudice of the present opposition will be filed shortly thereafter.

The Applicant verifies that the substitute specimen was in use in commerce before the expiration of the deadline for filing a statement of use in connection with Application No. 77/510,960. The Applicant verifies that the substitute specimen, which is an advertisement for Applicant's bar and restaurant services, was used in commerce prior to the June 30, 2008 filing date of Application No. 77/510,960. The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Dated: Haverford, PA
October 24, 2014

Respectfully submitted,

Donohue Patents
Attorneys for Applicant

By: /Thomas E. Donohue/

329 Grays Ln
Haverford, PA
(313) 399-3888

Consented to:

COWAN, LIEBOWITZ & LATMAN, PC
Attorneys for Opposer

By: /Maryann E. Licciardi/
Maryann E. Licciardi

1133 Avenue of the Americas
New York, New York 10036
212-790-9200

EXHIBIT A

Substitute Specimen

character sketch [motown's movers]

by Shannon DeVries

Jason Huvaere Movement's Main Man



Jason Huvaere (pictured far left) may just have the King Midas touch of gold when it comes to the electronic music scene in Detroit. As head of Paxahau Promotions Group, Huvaere (and his dedicated team) hosted one stage and three huge after parties at the *Detroit Electronic Music Festival (DEMF)* in 2005. The following year, the group took the opportunity they were given by the city to be the sole producers of the entire event, moving it out of "the red" and fields of further prosperity with new sponsors and surging attendance.

The entrepreneur was no stranger to throwing parties when he got started with *DEMF*; Huvaere produced his first event in 1993 after a fun-filled summer in the music scene. Huvaere said, "I just kinda fell in love with the music, fell in love with the people." Although many promoters need time to find their niche in the fickle world of music, Huvaere stated, "The first event was a success and I fell in love with [music promotion]. I've put my whole heart into it ever since." Following his heart, Huvaere went against his family's wishes and dropped out of college after his first year in Business Management. "It was something I had to do — I didn't want to wait three more

"I just kinda fell in love with the music,
fell in love with the people."

years to start my own business," expressed Huvaere. Building his company on a passion for electronic and techno music, as well as business knowledge, Huvaere uses Winston Churchill's quote, "Never, never, never quit!" as a mantra for his operation.

So, who is Huvaere excited to see at *DEMF* this weekend? Everyone! "We book people that we want to see and people we think that have a show that exemplifies the festival in its current state," Huvaere told me, noting that the audience and "the scene" control the direction

of the festival. This weekend he made mention to Speedy J's live show being one that a lot of technical work was put into. He also looks forward to catching bits of Carl Craig and Dan Bell, as well as being curious to see what Girl Talk and Moby do.

There have been hard times for Huvaere and Paxahau. In '99, the group took up computer consulting for businesses to help pay the bills. Yet Huvaere was determined to stay by his dreams. He said, "Through hell and high-water, I just never let go of my interests."

The Promotions Group has grown into additional facets, including paxahau.com, the broadcast and event listings site; D Records, a label for Detroit techno artists; and recently they started a non-profit organization called the Detroit Techno Foundation, whose mission is "to promote, develop and preserve Detroit's electronic music and creative communities."

Paxahau does about ten shows a year outside of *DEMF* including a company anniversary party over Labor Day weekend, which is customarily a couple night parties and a day party. They are looking to expand the event to become their secondary focus. Huvaere stated, "I'm not sure if the audience could handle two doses of Detroit in a year," so whether the event becomes a second techno monster in the city of Detroit is up to the audience. | **RDW**

Pack it up, pack it in: Paxahau.com

LIONS TIGERS BEERS
OH MY!

Detroit's best sports bar!

734.282.1200
2929 Biddle Ave · Wyandotte, MI 48192
www.LIONSTIGERSBEERS.com

Voted Best Club Night, 2004, 2005, 2006

ALTERED STATE

EVERY SATURDAY NIGHT - 10PM
STATE THEATRE
2115 Woodward Avenue - Detroit
VIP Service @ 313.961.5451 ext. 11
www.AlteredStateClub.com

