

ESTTA Tracking number: **ESTTA341604**

Filing date: **04/09/2010**

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

Proceeding	91193594
Party	Plaintiff NSM Resources Corporation
Correspondence Address	NSM Resources Corporation PO Box 931162 Los Angeles, CA 90093 UNITED STATES zane@huckdoll.com
Submission	Other Motions/Papers
Filer's Name	Zane Murdock
Filer's e-mail	zane@huckdoll.com
Signature	/zanemurdock/
Date	04/09/2010
Attachments	WithdrawMotionforSanctions.pdf (3 pages)(74715 bytes)

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

In the matter of Trademark Application
Serial Number: 77743536
Filed: May 22, 2009
Trademark: HUCKN ROLL

_____)	
NSM Resources Corporation)	
)	
Opposer)	
)	Opposition No. 91193594
v.)	
)	
Backcountry.com, Inc.)	
)	
Applicant)	
_____)	

OPPOSER’S WITHDRAWL OF MOTION FOR SANCTIONS

Opposer NSM Resources Corporation (herein “Opposer” or “NSM Resources”) hereby withdraws without prejudice its motion for sanctions against the Applicant Backcountry.com, Inc. (herein “Applicant” or “Backcountry”) and its attorneys Parr, Brown, Gee, & Loveless PC (herein “Parr Brown”) on the basis of good faith.

ARGUMENT

On March 10, 2010 Applicant filed “Answer and Counterclaims” (herein “the document”) in this instant Opposition Proceeding. On March 15, 2010 Opposer filed a motion for sanctions against Applicant and its counsel. Opposer argues the document is inflammatory and has little validity. Nowhere does Opposer state the motion for sanctions is an answer to counterclaim. Opposer did file its motion for sanctions upon service, instead of 21 days after service. A litigant should file a motion for sanctions 21 days after service to provide a “safe

harbor” to those who wish to actually withdraw and / or amend pleadings. Opposer must have feared the “safe harbor” protection would not extend in both directions. Even though the motion for sanctions appears debatable, based on a matter of law the motion for sanctions is untenable. Thus, a full response to Applicant’s opposition to Opposer’s motion for sanctions seems moot.

Opposer believes good faith exists to respectfully withdraw without prejudice Opposer’s motion for sanctions against the Applicant and its counsel.

Sincerely yours,
/zanemurdock/
Zane Murdock
President / NSM Resources
NSM Resources Corporation
PO Box 931162
Los Angeles, CA 90093
USA
zane@huckdoll.com

CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL

On April 9th, 2010, I deposited in the United States Mail a properly addressed, postage prepaid envelope containing a true copy of this document served on:

Gregory M. Hess
Parr, Brown, Gee, & Loveless PC
185 S State St Ste 800
Salt Lake City, UT 84111-1549

I declare under the penalty of perjury of the State of California that the foregoing is true and correct.

Dated: April 9, 2010

/zanemurdock/
Zane Murdock
President / NSM Resources
NSM Resources Corporation
PO Box 931162
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USA
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