

ESTTA Tracking number: **ESTTA751808**

Filing date: **06/10/2016**

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

Proceeding	91214513
Party	Plaintiff OCC Establishment
Correspondence Address	CHRISTOPHER M WEIMER FULBRIGHT & JAWORSKI LLP 98 SAN JACINTO BLVD, SUITE 100 AUSTIN, TX 78701 UNITED STATES aoipdocket@nortonrosefulbright.com, chris.weimer@nortonrosefulbright.com, erin.molson@nortonrosefulbright.com
Submission	Other Motions/Papers
Filer's Name	Christopher Weimer
Filer's e-mail	chris.weimer@nortonrosefulbright.com, aoipdocket@nortonrosefulbright.com, orbitmarks@nortonrosefulbright.com
Signature	/Christopher Weimer/
Date	06/10/2016
Attachments	JOINT MOTION TO AMEND APPLICATIONS PURSUANT TO SETTLEMENT FOLLOWED BY WITHDRAWAL OF OPPOSITION.pdf(14731 bytes)

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

In the matter of Application Serial Nos.
85/676,155 (ORBIT);
85/676,100 (ORBIT & CO.); and
85/826,768 (ORBIT ACADEMY).

OCC ESTABLISHMENT,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91214513
)	
ORBIT LLC,)	
)	
Applicant.)	
)	

**JOINT MOTION TO AMEND APPLICATIONS PURSUANT TO SETTLEMENT
FOLLOWED BY WITHDRAWAL OF OPPOSITION**

Pursuant to a settlement reached by the parties, Opposer OCC Establishment and Applicant Orbit LLC hereby jointly move to make certain amendments to the applications involved in this Opposition, and upon entry of these amendments, to withdraw these opposition proceedings.

On December 4, 2014, Applicant submitted motion to amend Application Serial No. 85676155 (the “‘155 Application”) and Application Serial No. 85/826,768 (the “‘768 Application”). In part, this motion sought to amend the services identification in the ‘155 Application to remove all instances of the terms “webcasts” and “podcasts” and remove all instances of the following phrase, “providing webcasts and podcasts featuring information and news in the fields of development, marketing, communication, promotion, advertising and social media.” in class 041.

While this opposition remained pending, on Mar. 03, 2015 a Registration Certificate issued for the '155 Application. A true and correct copy of the Registration Certificate is attached hereto as Exhibit A. As can be noted in Exhibit A, the Registration Certificate does not reflect the amendments requested by Orbit LLC with regard to the '155 Application. On May 28, 2016, the Board issued an order noting that the registration in question (Registration No. 4693990) had been issued inadvertently as a clerical error and stated that the electronic record of the application was being referred to the Office of the Commissioner for Trademarks for appropriate action.

Applicant, with Opposer's consent, hereby seeks an order correcting the application to include the amendments requested by Orbit LLC with regard to the '155 Application: namely, to remove all instances of the terms "webcasts" and "podcasts" and remove all instances of the following phrase, "providing webcasts and podcasts featuring information and news in the fields of development, marketing, communication, promotion, advertising and social media" in class 041 and to add the following language, "in the nature of journals, magazines, newspapers, newsletters, guides, manuals and books in the field of business development, marketing, communication, promotion, advertising and social media, specifically excluding publishing and entertainment goods and services on the subjects of science fiction, fantasy, fiction, and nonfiction related to science-fiction and nonfiction related to fantasy-fiction" in class 41, as specifically set forth in Exhibit A, attached hereto.

In addition, Applicant seeks to amend through this motion the "'768 Application" to remove the word "podcasts" from the following phrase from the description of services, such removal having been inadvertently omitted from the amendment referenced above: "providing non-downloadable electronic publications, in the nature of journals, magazines, podcasts, newspapers,

newsletters, guides, manuals and books in the field of business development, marketing, communication, promotion, advertising and social media.”

Upon entry of the amendment to the ‘768 Application and the correction of the Registration Certificate and ID in the ‘155 Application, the parties request that the proceedings as to all applications be withdrawn pursuant to settlement.

Exhibit A

Application Serial No. 85676155, CLASS 41, Identification of Services, as Amended:

Educational and instructional services, namely, providing lectures, classes, seminars, retreats, workshops and webinars in the fields of business development, marketing, communication, promotion, advertising and social media; providing a blog featuring information, news, discussion, and forums about business development, marketing, communication, promotion, advertising and social media; providing electronic publications, in the nature of, journals, magazines, newspapers, newsletters, guides, manuals and books in the field of business development, marketing, communication, promotion, advertising and social media, specifically excluding publishing and entertainment goods and services on the subjects of science fiction, fantasy, fiction, and nonfiction related to science-fiction and nonfiction related to fantasy-fiction; Entertainment services, namely, live speaking performances and speaking engagements featuring information in the fields of development, marketing, communication, promotion, advertising and social media, in class 041.

Application Serial No. 85826768, CLASS 41, Identification of Services, as Amended:

Educational and instructional services, namely, providing lectures, classes, seminars, retreats, workshops and webinars in the fields of business development, marketing, communication, promotion, advertising and social media; providing a blog featuring information, news, discussion, and forms about business development, marketing, communication, promotion, advertising and social media; providing non-downloadable electronic publications , in the nature of journals, magazines, newspapers, newsletters, guides, manuals and books in the field of business development, marketing, communication, promotion, advertising and social media; Entertainment services, namely, live speaking performances and speaking engagements featuring information in the fields of development, marketing, communication, promotion, advertising and social media, class 41.

Dated: June 10, 2016

Respectfully submitted,

OCC Establishment

By: /s/ Christopher Weimer /
Christopher Weimer
Norton Rose Fulbright US LLP
98 San Jacinto Blvd, Suite 1100
Austin, TX 78701-4078
(512) 474-5201

And:

By: /s/ michelle l grenier esq /
Michelle L. Grenier, Esq.
Grenier Law Offices, PC
13 Fox Run Road
Falmouth, Maine 04105
(207) 878-8777

Attorneys for ORBIT, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Joint Motion for Suspension has been served by electronically transmitting said copy, with the consent of Applicant, on June 10, 2016, to:

Michelle L. Grenier, Esq.
Grenier Law Offices, PC
13 Fox Run Road
Falmouth, Maine 04105
(207) 878-8777
<michelle@contactmylawyer.com>

/s/ Christopher Weimer/

Christopher Weimer