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

Proceeding	91232147
Party	Defendant Amusement Art, LLC
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Submission	Motion to Amend Application
Filer's Name	Michaelangelo Loggia
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Signature	/Michaelangelo Loggia/
Date	02/04/2021
Attachments	91232147 Final Joint Motion to TTAB to Take App Out of Susp and Amend - AART.001GEN.pdf(107671 bytes)

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

LIFE IS BEAUTIFUL, LLC,

Opposer,

vs.

AMUSEMENT ART, LLC,

Applicant.

Opposition No. 91232147

Mark: LIFE IS BEAUTIFUL

Serial No.: 86969619

Filing Date: April 8, 2016

Date of Publication: July 12, 2016

**CONSENTED JOINT MOTION TO RESUME OPPOSITION ACTION, REQUEST FOR
AMENDMENT OF GOODS IN APPLICATION WITH OPPOSER’S CONSENT, AND
WITHDRAWAL OF OPPOSITION ACTION WITH PREJUDICE**

Opposer Life is Beautiful, LLC (“LIB”) and Applicant Amusement Art, LLC (“Amusement Art”) jointly move for the Trademark Trial and Appeal Board (the “Board”) to change the status of this opposition action from suspended status and resume the opposition action, to review and accept the proposed amendment of goods identified in Amusement Art’s U.S. Application No. 86969619 with LIB’s consent, and contingent on the acceptance of the proposed amendment to the goods, then withdraw the opposition action with prejudice.

On January 9, 2017, LIB opposed Amusement Art’s U.S. Application No. 86969619 for the mark LIFE IS BEAUTIFUL in connection with goods in Class 16. That opposition action was stayed pending resolution of the litigation between the parties in federal district court relating to the LIFE IS BEAUTIFUL mark—*Amusement Art, LLC v. Life Is Beautiful, LLC et al.*, Case No. 2:14-cv-08290-DDP-JPR (“the District Court Action”).

On November 29, 2016, the District Court granted summary judgment for LIB on Amusement Art’s claims against LIB, and LIB’s counterclaims against Amusement Art, and on May 23, 2017 awarded LIB attorney’s fees.

Amusement Art appealed the District Court's rulings to the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit"), and LIB appealed the reduction in the attorneys' fees awarded from the amount incurred, *Amusement Art, LLC v. Life Is Beautiful, LLC et al.*, Case Nos. 17-55045, 17-55884, and 17-55888 (together with the District Court Action, the "Civil Action").

The Ninth Circuit affirmed the District Court's grant of summary judgment for LIB on Amusement Art's claims and award of attorney's fees to LIB, reversed as moot the District Court's grant of summary judgment for LIB on LIB's counterclaims for cancellation of Amusement Art's registrations that Amusement Art had voluntarily surrendered, and remanded to the District Court the attorney's fees award to determine whether it should be reduced to account for time spent on LIB's counterclaims.

On October 24, 2019, the parties settled the two issues that remained outstanding in the Civil Action: (1) the amount of attorney's fees LIB was entitled to receive as the prevailing party on appeal; and (2) whether and by what amount the District Court's fee award should be reduced on remand from the Ninth Circuit. Amusement Art and LIB also agreed to amend the goods and/or services in their respective U.S. trademark registrations and/or applications for the mark LIFE IS BEAUTIFUL.

Accordingly, LIB and Amusement Art hereby requests the Board enter an amendment of the goods identified in Amusement Art's Application. No. 86969619 for the mark LIFE IS BEAUTIFUL, with consent of LIB, by adding the language as follows shown in bold:

Class 16 – **To the extent ancillary to art exhibition services, art exhibitions, or art works:**
Bookmarks; Decals; Notebooks; Pencils; Paper napkins.

The parties assert the amendment requested herein is proper, and does not broaden the goods identified in the application.

Furthermore, contingent upon the Board's entry of the above-referenced amendment to the goods identified in Applicant's application, the parties jointly request that Opposition No. 91232147 be withdrawn with prejudice.

LIB has a pending application for use of the Life is Beautiful mark with its services (Serial No. 87-085577). This application was also suspended pending resolution of the Civil Action by the courts.

LIB will be requesting that the suspension be lifted and registration granted for the services as amended and consistent with the party's co-existence agreement, which action Amusement Art does not oppose.

DATED: February 4, 2021

MUNGER, TOLLES & OLSON LLP

By: /s/ Tamerlin J. Godley

TAMERLIN J. GODLEY

Attorneys for Life Is Beautiful, LLC

DATED: February 4, 2021

AMUSEMENT ART, LLC

By: /s/ Michaelangelo Loggia

MICHAELANGELO G. LOGGIA

Attorney for Amusement Art, LLC

CERTIFICATE OF SERVICE

I, Michaelangelo G. Loggia, hereby certify that a true and exact copy of this Consented Joint Motion to Resume Opposition Action, Request for Amendment of Goods in Application with Opposer's Consent, and Withdrawal of Opposition Action with Prejudice, has been served on the following person via electronic mail:

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Dated: February 4, 2021

/s/ Michaelangelo G. Loggia
Name: Michaelangelo G. Loggia