

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
General Email: TTABInfo@uspto.gov

lw/jmm

September 8, 2022

Opposition No. 91252817 (Parent)

House of Kuipers, LLC and Zox LLC

v.

John Zox

Opposition No. 91265309

Opposition No. 91265525

John Zox

v.

Zox LLC

Cancellation No. 92074323

Zox LLC

v.

John Zox, Daniel Zox, and Andrew Zox

By the Trademark Trial and Appeal Board:

On August 19, 2022, the Board issued an order noting that although the parties' proposed amendments and abandonment, filed June 9, 2022 would otherwise be acceptable, the Board could not enter them at that time because (i) with respect to

Opposition Nos. 91252817 (parent), et al.

Registration No. 5268843, Respondents, John Zox, Daniel Zox and Andrew Zox, had not provided consent to the requested amendment, no fee had been paid, and the amendment was not verified or supposed by a declaration under Trademark Rule 2.20; and (ii) with respect to application Serial No. 88228839, John Zox, Applicant in this parent proceeding, had not requested the abandonment.

On August 31, 2022, in Cancellation No. 92074323, Respondents, John Zox, Daniel Zox and Andrew Zox, filed (i) a motion to amend involved Registration No. 5268843, with the fee and required declaration, and with Petitioner Zox LLC's written consent; and (ii) Petitioner's withdrawal of the petition to cancel, with prejudice, contingent upon entry of the amendment. (20 TTABVUE).

In addition, also on August 31, 2022, in Opposition No. 91252817, Applicant, John Zox, filed (i) Applicant's express abandonment of application Serial No. 88228839, involved in the parent proceeding, with the written consent of Opposers, House of Kuipers, LLC and Zox LLC (39 TTABVUE); and (ii) the parties' renewed withdrawal of all claims and counterclaims in these consolidated proceedings with prejudice, subject to entry of the above-described amendments and abandonment (38 TTABVUE).

In view of the foregoing, application Serial No. 88228839 stands abandoned. *See* Trademark Rule 2.135.

With respect to Registration No. 5268843, by the proposed amendment, Respondents seek to amend International Classes 9 and 41 as follows:¹

¹ Deletions are indicated in ~~strike~~through.

INTERNATIONAL CLASS 9

FROM: Prerecorded video cassette tapes, audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring live action, computer generated, animated cartoons and musical entertainment and educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology; ~~film and video equipment, namely still, motion picture film and video cameras, videocassette recorders, videocassette players, digital video or audio players, and film and video editing machines; computer software for film and video editing; eyeglasses.~~

TO: Prerecorded video cassette tapes, audio and video discs in the nature of CDs and DVDs and digital files, motion picture and documentary film, all featuring live action, computer generated, animated cartoons and musical entertainment and educational subject matter in the field of literature, science, history, art, government, engineering, philosophy, fashion, mathematics, economics, and zoology

INTERNATIONAL CLASS 41

FROM: Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video ~~and interactive media~~ in the nature of literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting; publication of books and screenplays; ~~providing a website featuring educational information in the field of music, theater, cinema, design, photography, visual and performing arts and animal training;~~ production of audio and audiovisual recordings; Entertainment in the nature of live radio personality performances; ~~Entertainment services, namely, providing webcasts and video podcasts in the field of personality performances.~~

TO: Production, development and distribution of motion picture films, television programs, documentary films, music videos, virtual and augmented reality videos, concert video in the nature of

literature, science, technology, religion, sports, politics, history, art, government, engineering, philosophy, fashion, mathematics, and economics; theatrical or musical works performed in a live setting; publication of books and screenplays; production of audio and audiovisual recordings; Entertainment in the nature of live radio personality performances

The amendment complies with the requirements of Trademark Rule 2.173, and is limiting in nature. Moreover, Petitioner consents thereto. Accordingly, the amendment is approved.² *See* Trademark Rule 2.133(a).

The contingency in the parties' withdrawals having now been met: (i) the notice of opposition, and the counterclaims to cancel Registration Nos. 4465691, 4759961, and 5233845, in Opposition No. 91252817 are dismissed with prejudice; (ii) the petition to cancel in Cancellation No. 92074323 is dismissed with prejudice; (iii) the notice of opposition in Opposition No. 91265309 is dismissed with prejudice; and (iv) the notice of opposition in Opposition No. 91265525 is dismissed with prejudice.

² The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act. Moreover, a copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.