

ESTTA Tracking number: **ESTTA1159807**

Filing date: **09/15/2021**

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

Proceeding	91264410
Party	Plaintiff FaceGym Ltd.
Correspondence Address	KOURTNEY A. MULCAHY AKERMAN LLP 71 SOUTH WACKER DRIVE SUITE 4700 CHICAGO, IL 60606 UNITED STATES Primary Email: IP@AKERMAN.COM Secondary Email(s): kourtney.mulcahy@akerman.com, latoya.ellerson@akerman.com 312-870-8075
Submission	Withdrawal of Opposition
Filer's Name	Kourtney A. Mulcahy
Filer's email	ip@akerman.com, kourtney.mulcahy@akerman.com, latoya.ellerson@akerman.com
Signature	/Kourtney A. Mulcahy/
Date	09/15/2021
Attachments	Motion_to_Withdraw_-_91264410.PDF(95797 bytes ) Order Granting Stipulation of Dismissal.PDF(326743 bytes )

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

FACEGYM LTD	)	
170 Picadilly	)	
London, United Kingdom W1J 9EJ	)	
	)	
Opposer	)	
v.	)	
	)	
SKIN GYM, INC.	)	Opposition No.: 91264410
7046 Hollywood Boulevard, #703	)	Application No.: 88707453
Los Angeles, California 90028	)	Mark: SKIN GYM
	)	Filed: November 26, 2019
	)	Published: May 12, 2020
Applicant.	)	

Commissioner of Trademarks  
Post Office Box 1451  
Alexandria, VA 22313-1451

**OPPOSER'S CONSENTED MOTION TO WITHDRAW OPPOSITION**

Opposer hereby moves to withdraw Opposition No. 91251784. The underlying litigation (Civil Action 2:19-cv-09625, Ex. A.) has been dismissed, and therefore Opposer is hereby withdrawing their pending oppositions against all related trademarks.

Accordingly, Opposer requests that this Opposition be withdrawn.

Dated: September 15, 2021

Respectfully submitted,

FACEGYM LTD.

By: /s/ Kourtney A. Mulcahy

Kourtney A. Mulcahy

Akerman LLP

71 S. Wacker Dr., 47<sup>th</sup> Floor

Chicago, IL 60606

Phone: 312-870-8075

[Email: kourtney.mulcahy@akerman.com](mailto:kourtney.mulcahy@akerman.com)

Attorney for Opposer

# **EXHIBIT A**

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# JS-6

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FACEGYM, LTD, a United Kingdom  
limited company,

Plaintiff,

v.

SKIN GYM, INC., a California  
corporation, KARINA SULZER, an  
individual, and DOES 1-10,

Defendants.

) Case No. 2:19-cv-09625 CJC (JEMx)  
)  
) (Assigned to the Honorable Cormac J.  
) Carney)

) ORDER OF DISMISSAL OF ACTION

) Action Filed: November 8, 2019  
) Pre-Trial Conf.: April 4, 2022  
) Trial Date: April 12, 2022

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SKIN GYM, INC.,

Counterclaimant,

v.

FACEGYM, LTD, and ROES 1-10.

Counterdefendant.

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SKIN GYM, INC.,

Third-Party Plaintiff,

v.

FG 8490 SUNSET LLC, a Delaware  
limited liability company.

Third-Party Defendant.

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1 Pursuant the Stipulation of Dismissal by and between Plaintiff and  
2 Counterdefendant FACEGYM, LTD.; Third Party Defendant FG 8490 SUNSET LLC;  
3 Defendant, Counterclaimant and Third-Party Plaintiff SKIN GYM, INC.; and  
4 Defendant KARINA SULZER, by and through their respective attorneys of record, that  
5 the entire above-captioned action be dismissed, with prejudice, with the parties to bear  
6 their own respective attorneys' fees and costs, the Court enters the following:

7

8 IT IS ORDERED, ADJUDGED and DECREED that the above-captioned  
9 action is DISMISSED IN ITS ENTIRETY AND WITH PREJUDICE.

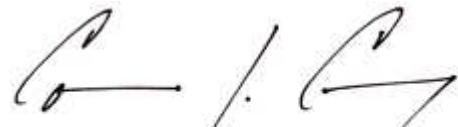
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11 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all parties  
12 shall bear their own respective costs and attorneys' fees.

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14

15 DATED: September 13, 2021



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HONORABLE CORMAC J. CARNEY  
United States District Judge

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1 BARNHILL & VAYNEROV LLP  
Steven M. Barnhill, Bar No. 123000  
2 Barnhill@BV-LLP.com  
Maxim Vaynerov, Bar No. 177520  
3 Vaynerov@BV-LLP.com  
12100 Wilshire Blvd., Suite 800  
4 Los Angeles, California 90025  
Telephone: 310.943.8989  
5 Facsimile: 310.943.8998

6 Attorneys for: Skin Gym Inc.  
and Karina Sulzer  
7

8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 FACEGYM, LTD, a United Kingdom  
limited company,

11 Plaintiff,

12 v.

13 SKIN GYM, INC., a California  
14 corporation, KARINA SULZER, an  
individual, and DOES 1-10,

15 Defendants.  
16

) Case No. 2:19-cv-09625 CJC (JEMx)  
) (Assigned to the Honorable Cormac J.  
) Carney)

) STIPULATION RE DISMISSAL OF  
) ACTION

) Action Filed: November 8, 2019  
) Pre-Trial Conf.: April 4, 2022  
) Trial Date: April 12, 2022

17 SKIN GYM, INC.,

18 Counterclaimant,

19 v.

20 FACEGYM, LTD., and ROES 1-10.

21 Counterdefendant.  
22

23 SKIN GYM, INC.,

24 Third-Party Plaintiff,

25 v.

26 FG 8490 SUNSET LLC, a Delaware  
limited liability company.

27 Third-Party Defendant.  
28

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY  
2 STIPULATED, by and between Plaintiff and Counterdefendant FACEGYM, LTD.;  
3 Third Party Defendant FG 8490 SUNSET LLC; Defendant, Counterclaimant and Third-  
4 Party Plaintiff SKIN GYM, INC.; and Defendant KARINA SULZER, by and through  
5 their respective attorneys of record, that the entire above-captioned action be dismissed,  
6 with prejudice, in accordance with the terms of the parties' written Trademark  
7 Coexistence, Consent and Settlement Agreement.

8 IT IS FURTHER STIPULATED that the parties shall bear their own respective  
9 attorneys' fees and costs incurred in this action.

10 IT IS HEREBY SO STIPULATED.

11  
12 DATED: September 13, 2021. BARNHILL & VAYNEROV LLP

13  
14 By: /s/ Steven M. Barnhill  
15 Steven M. Barnhill

16 Attorneys for Skin Gym, Inc. and  
17 Karina Sulzer

18 DATED: September 13, 2021. AKERMAN LLP

19 By: /s/ Caroline Mankey  
20 Caroline Mankey

21 Attorneys for FaceGym Ltd. and FG 8490  
22 Sunset LLC  
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FACEGYM, LTD, a United Kingdom  
limited company,

Plaintiff,

v.

SKIN GYM, INC., a California  
corporation, KARINA SULZER, an  
individual, and DOES 1-10,

Defendants.

) Case No. 2:19-cv-09625 CJC (JEMx)  
) (Assigned to the Honorable Cormac J.  
) Carney)

) [Proposed] ORDER OF DISMISSAL  
) OF ACTION

) Action Filed: November 8, 2019  
) Pre-Trial Conf.: April 4, 2022  
) Trial Date: April 12, 2022

SKIN GYM, INC.,

Counterclaimant,

v.

FACEGYM, LTD, and ROES 1-10.

Counterdefendant.

SKIN GYM, INC.,

Third-Party Plaintiff,

v.

FG 8490 SUNSET LLC, a Delaware  
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Third-Party Defendant.



1 Pursuant the Stipulation of Dismissal by and between Plaintiff and  
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3 Defendant, Counterclaimant and Third-Party Plaintiff SKIN GYM, INC.; and  
4 Defendant KARINA SULZER, by and through their respective attorneys of record, that  
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6 their own respective attorneys' fees and costs, the Court enters the following:

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8 IT IS ORDERED, ADJUDGED and DECREED that the above-captioned  
9 action is DISMISSED IN ITS ENTIRETY AND WITH PREJUDICE.

10

11 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all parties  
12 shall bear their own respective costs and attorneys' fees.

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14

15 DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE CORMAC J. CARNEY  
United States District Judge

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