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

Proceeding no.	91268501
Party	Defendant DKH Retail Limited
Correspondence address	NANCY SABARRA FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND ST., 17TH FL. NEW YORK, NY 10036 UNITED STATES Primary email: sabarra-docket@fzlz.com 212-813-5900
Submission	Other Motions/Submissions
Filer's name	John P. Margiotta
Filer's email	jmargiotta@fzlz.com , sabarra-docket@fzlz.com , ttabfiling@fzlz.com
Signature	/John P. Margiotta/
Date	02/07/2022
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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: :
CULT BEAUTY LIMITED, :
: :
 Opposer, :
: :
 - against - : Opposition No. 91268501
: :
DKH RETAIL LIMITED, :
: :
 Applicant. :
: :
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**STIPULATED MOTION TO AMEND
APPLICATION AND TO DISMISS OPPOSITION**

Pursuant to a settlement reached by the parties, DKH Retail Limited requests that the identification of services in its Application Serial No. 88/695,995 for the mark CULT STUDIOS and Design be amended as follows;

Class 3: Deleted in its entirety.

Class 18: The portions noted in ~~strikeout~~ and yellow highlight to be deleted: Bags, namely, travelling bags, tote bags, athletic bags; handbags; shoulder bags; ~~toiletry bags sold empty; make-up bags sold empty~~; kit bags; rucksacks; sports bags; gym bags; beach bags; swing cross body bags; hip bags; cross body bags; travel bags; luggage; wallets; purses; key cases of leather; umbrellas; parasols; leather and imitations of leather; leather and imitation leather bags; leather and imitation leather wallets; leather and imitation leather purses; leather and imitation leather cords; leather and imitation leather twist straps and straps; leather and imitation leather cases; leather and imitation leather pouches; leather and imitation leather handbags; leather and imitation leather credit card wallets; leather and imitation leather credit card cases; leather and imitation leather luggage tags; leather and imitation leather card holders; leather and imitation leather garment bags for travel; ~~leather and imitation leather make-up bags~~; leather and imitation leather travelling bag sets; suit bags; brief cases and attaché cases; ~~beauty cases, namely, makeup bags; vanity cases sold empty~~; golf umbrellas; diaper bags; nappy bags, namely, diaper bags; baby carriers worn on the body; backpacks for carrying babies

Class 35: amended to add the language and highlighted in yellow at the end of the identification of services below: Advertising services provided online from a computer database or the Internet; promotion services provided online from a computer database or the Internet,

namely, namely, promoting sports competitions, fashion shows, fashion events, a series of films, film and media entertainment, cultural events, music festivals for others; Retail store services in connection with the sale of paints, varnishes, lacquers, printing and art, candles and wicks for lighting, precious metals and their alloys, jewellery, precious and semiprecious stones, horological and chronometric instruments, enabling customers to conveniently view and purchase these goods from retail stores, general merchandise catalogues by mail order, telephone, or other means of telecommunication, or from a general merchandise website; Retail store services in connection with the sale of paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, drawing materials and materials for artists, paintbrushes, enabling customers to conveniently view and purchase these goods from retail stores, general merchandise catalogues by mail order, telephone, or other means of telecommunication, or from a general merchandise website; Retail store services in connection with the sale of leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, clothing for animals, enabling customers to conveniently view and purchase these goods from retail stores, general merchandise catalogues by mail order, telephone or other means of telecommunication or from a general merchandise website; Retail store services in connection with the sale of furniture, mirrors, picture frames, textiles and substitutes for textiles, curtains of textile or plastic, clothing, footwear, headwear, pastries and confectionery, enabling customers to conveniently view and purchase these goods from retail stores, general merchandise catalogues by mail order, telephone, or other means of telecommunication, or from a general merchandise website; Wholesale store services in connection with the sale of paints, varnishes, lacquers, printing and art, candles and wicks for lighting, precious metals and their alloys, jewellery, precious and semiprecious stones, horological and chronometric instruments; Wholesale store services in connection with the sale of paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, drawing materials and materials for artists, paintbrushes, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, clothing for animals; Wholesale store services in connection with the sale of furniture, mirrors, picture frames, textiles and substitutes for textiles, curtains of textile or plastic, clothing, footwear, headwear, pastries and confectionery; provision of consumer product information advice and information to customers and potential customers for the purpose of selection of paints, varnishes, lacquers, printing and art, candles and wicks for lighting, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments to meet the consumer's specification; provision of consumer product information advice and information to customers and potential customers for the purpose of selection of paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, drawing materials and materials for artists, paintbrushes, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, clothing for animals to meet the consumer's specification; provision of consumer product information advice and information to customers and potential customers for the purpose of selection of furniture, mirrors, picture frames, textiles and substitutes for textiles, curtains of textile or plastic, clothing, footwear, headwear, pastries and confectionery to meet the consumer's specification; Promoting the goods and services of others by means of organisation, operation and supervision of loyalty card, incentive and promotional schemes, customer loyalty program, incentive and bonus program services and fashion shows, **none of the aforementioned services to be used in relation to cosmetics, skincare and make-up preparations.**

Given that all of the requested amendments are limiting in nature, the Parties jointly move for acceptance of the proposed amendments. Contingent upon the acceptance and entry of the amendments to the opposed application described above, Opposer Cult Beauty Limited dismisses the Opposition with prejudice.

The parties' consent to each other's requests as set forth above is reflected by the signatures of the parties' counsel below.

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

DECHERT LLP

Dated: February 7, 2022
New York, New York

Dated: February 7, 2022
New York, New York

By: /John Margiotta/

John P. Margiotta, Esq.
151 West 42nd Street, 17th Floor
New York, New York 10036
(212) 813-5900 (phone)
(212) 813-5901 (fax)
Email: jmargiotta@fzlj.com

By: /Jennifer Insley-Pruitt/

Jennifer Insley-Pruitt, Esq.
Three Bryant Park
1095 Avenue of the Americas
New York, New York 10036
(212) 698-3653 (phone)
(212) 698-3599 (fax)
Email: Jennifer.Insley-Pruitt@dechert.com

Attorneys for Applicant

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2022, I caused a true and correct copy of the foregoing STIPULATED MOTION TO AMEND APPLICATION AND TO DISMISS OPPOSITION to be served by email on counsel for Opposer, Jennifer Insley-Pruitt, Esq. at Jennifer.Insley-Pruitt@dechert.com.

/s/ John P. Margiotta

John P. Margiotta