

ESTTA Tracking number: **ESTTA1132730**

Filing date: **05/10/2021**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Concordia Investment Partners, LLC
Granted to Date of previous extension	05/09/2021
Address	700 SPOTTIS WOODS LANE CLEARWATER, FL 33756 UNITED STATES
Party who filed Extension of time to oppose	Concordia Investment Partners, LLC LIMITED LIABILITY COMPANY FLORIDA Tampa FLORIDA 33634
Relationship to party who filed Extension of time to oppose	Typographical error.

Attorney information	ANNA B. NAYDONOV FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001 UNITED STATES Primary Email: docketing@finnegan.com Secondary Email(s): anna.naydonov@finnegan.com , jessica.hannah@finnegan.com , TTAB-Legal-Assistants@finnegan.com 202-408-4000
Docket Number	14274.0118

Applicant Information

Application No.	88672099	Publication date	11/10/2020
Opposition Filing Date	05/10/2021	Opposition Period Ends	05/09/2021
Applicant	Universal Audio, Inc. 4585 SCOTTS VALLEY DRIVE SCOTTS VALLEY, CA 95066 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Audio production equipment, namely, downloadable computer software programs for use in audio and music production; downloadable computer software for use in digital audio production, processing, and editing; downloadable com-


puter software for use in the integration of music, text, audio, graphics, still images and moving pictures and for use in interconnectivity between personal computers, networked audio hardware, and electronic musical instruments for use in audio and music production; all the aforesaid goods for professional use in music recording studios and only distributed bundled with audio signal processing hardware companies' audio production equipment and software for use only in connection with audio signal processing hardware companies' audio production equipment and software

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	6193754	Application Date	04/08/2020
Registration Date	11/10/2020	Foreign Priority Date	NONE
Word Mark	LUNA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 015. First use: First Use: 2005/10/01 First Use In Commerce: 2005/10/01 musical instruments, namely, guitars and ukuleles		

U.S. Application No.	88865785	Application Date	04/09/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LUNA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/01/01 First Use In Commerce: 2010/06/01 Amplifiers for guitars and ukuleles		

	Class 015. First use: First Use: 2009/11/20 First Use In Commerce: 2009/11/20 Musical instrument cases; musical instrument straps; guitar picks Class 021. First use: First Use: 2009/12/01 First Use In Commerce: 2009/12/01 Polishing cloths for guitars and ukuleles Class 025. First use: First Use: 2013/05/15 First Use In Commerce: 2013/05/15 Hats; caps being headwear; shirts; and T-shirts
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Attachments	88863834#TMSN.png(bytes) 88865785#TMSN.png(bytes) 2021-05-10 Notice of Opposition LUNA 88672099.pdf(633004 bytes)
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Signature	/Anna B. Naydonov/
Name	ANNA B. NAYDONOV
Date	05/10/2021

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

<p>CONCORDIA INVESTMENT PARTNERS, LLC,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>UNIVERSAL AUDIO, INC.</p> <p style="text-align: center;">Applicant</p>	<p>Opposition No. _____</p> <p>Application Serial No. 88672099 Mark: LUNA Filed October 29, 2019</p>
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NOTICE OF OPPOSITION

Concordia Investment Partners, LLC (“Opposer”) believes that it will be damaged by registration of Application Serial No. 88672099 for the mark LUNA for:

Audio production equipment, namely, downloadable computer software programs for use in audio and music production; downloadable computer software for use in digital audio production, processing, and editing; downloadable computer software for use in the integration of music, text, audio, graphics, still images and moving pictures and for use in interconnectivity between personal computers, networked audio hardware, and electronic musical instruments for use in audio and music production; all the aforesaid goods for professional use in music recording studios and only distributed bundled with audio signal processing hardware companies' audio production equipment and software for use only in connection with audio signal processing hardware companies' audio production equipment and software in Class 9

and opposes it. As grounds for its opposition, Opposer alleges upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Opposer and Its LUNA Mark

1. Opposer is a Florida limited liability company with an address at 700 Spottis Woode Lane, Clearwater, Florida 33756.
2. Opposer is one of the most successful, popular, and well-known makers of guitars, ukuleles, amplifiers, and related gear and accessories. Since at least 2005, Opposer has extensively used and promoted the LUNA trademark (the “LUNA Mark”) in connection with guitars.
3. Over the years, Opposer has expanded its offerings under the LUNA Mark to include ukuleles and a wide range of guitar/ukuleles equipment and accessories.
4. Since at least 2010, Opposer has used the LUNA Mark in connection with amplifiers.





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Luna Guitars

Official Instagram for #LunaGuitars #LunaUkes & #LunaPercussion 🌿 Life is full of adventures, let's share those moments 🌿 | Join the #LunaTribe! 😊
www.lunaguitars.com



Matt Wald...



Newsle...



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Luna Guitars

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Luna Ukulele Vista Deer Concert with Fishman

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Uke Vista Deer Concert Acoustic / Electric (Fishman Kula)
http://bit.ly/Uke_Vista_Deer

The Vista Series blends the world of fine art together with the art of advanced instrument building. Each Vista uke features an aesthetically pleasing portrait of wildlife, illustrated by using a variety of tropical woods. The Vista Deer Concert Ukulele.
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Concert Ukuleles

The Concert Ukulele is the slightly bigger sibling to soprano ukuleles. With a fuller tone and longer profile than the sopranos, the concert uke allows for more room between the frets. Today, this type of ukulele is one of the most popular body shapes among ukulele enthusiasts, with sopranos making a close 2nd. From exotic woods to signature designs, each Luna ukulele is carefully crafted to inspire.



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Acoustic Ambience 25 Watt Amp
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5. Opposer's LUNA Mark has appeared in countless performances onstage, in media publications, and has received nationwide recognition and acclaim. As a result of extensive use,

sales, advertising, promotion, commercial success, and third-party recognition, the LUNA Mark is strong and has been well-known for years.

6. Opposer is the owner of U.S. Registration No. 6193754 for the mark LUNA, covering “musical instruments, namely, guitars and ukuleles” in Class 15 (the “LUNA Registration”), with the October 1, 2005 first-use/use-in-commerce date. Copies of the LUNA Registration from the USPTO TESS and TSDR databases, including assignment information, are attached as Exhibit A.

7. Opposer is the owner of United States Application Serial No. 88865785 for the mark LUNA in connection with, among other products, “[a]mplifiers for guitars and ukuleles” in Class 9 (the “LUNA Application”). Copies of the LUNA Application from the USPTO TESS and TSDR databases, including assignment information, are attached as Exhibit B.

8. On June 2, 2020, the USPTO cited Universal Audio’s Application Serial No. 88672099 for the mark LUNA (“Applicant’s Application”) as a possible bar to the registration of Opposer’s Application based on an alleged likelihood of confusion. On January 11, 2021, the USPTO suspended Opposer’s Application based in part on Applicant’s Application.

Applicant and its Application Serial No. 88672099 for the mark LUNA

9. Universal Audio, Inc. is a California corporation, with an address at 4585 Scotts Valley Drive, Scotts Valley, California 95066.

10. On October 29, 2019, Applicant filed Intent-to-Use application Serial No. 88672099 for the following goods (as amended) in Class 9:

Audio production equipment, namely, downloadable computer software programs for use in audio and music production; downloadable computer software for use in digital audio production, processing, and editing; downloadable computer software for use in the integration of music, text, audio, graphics, still images and

moving pictures and for use in interconnectivity between personal computers, networked audio hardware, and electronic musical instruments for use in audio and music production; all the aforesaid goods for professional use in music recording studios and only distributed bundled with audio signal processing hardware companies' audio production equipment and software for use only in connection with audio signal processing hardware companies' audio production equipment and software.

Count One

Likelihood of Confusion, 15 U.S.C. § 1052(d)

11. Opposer repeats and re-alleges each and every allegation set forth in each of the preceding paragraphs.

12. Opposer has priority based on its prior valid and subsisting registration for its LUNA Mark and the continued use of its well-known LUNA Mark, which predates the October 29, 2019 filing date of Application No. 88672099 and any first-use/use-in-commerce date that may be alleged by Applicant.

13. Applicant's LUNA mark is identical to Opposer's prior used and registered LUNA Mark, and the goods covered by Opposer's used and registered LUNA Mark and Applicant's LUNA mark are overlapping, similar, and complementary such that a potential consumer would be likely to be confused, mistaken, or deceived as to the source of the parties' respective goods under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 88672099 for the mark LUNA and respectfully requests that this opposition be granted and that Application Serial No. 88672099 for the mark LUNA be abandoned.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

CONCORDIA INVESTMENT PARTNERS, LLC

Dated: May 10, 2021

/ Anna B. Naydonov /
Douglas A. Rettew
Anna B. Naydonov
Jessica L. Hannah
FINNEGAN HENDERSON FARABOW
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TTAB-Legal-Assistants@finnegan.com

Notice of Opposition
Application Serial No. 88672099
Mark: LUNA

Exhibit A



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Word Mark	LUNA
Goods and Services	IC 015. US 002 021 036. G & S: musical instruments, namely, guitars and ukuleles. FIRST USE: 20051001. FIRST USE IN COMMERCE: 20051001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88863834
Filing Date	April 8, 2020
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 25, 2020
Registration Number	6193754
International Registration Number	1560325
Registration Date	November 10, 2020
Owner	(REGISTRANT) Concordia Investment Partners, LLC LIMITED LIABILITY COMPANY FLORIDA 4924 W Waters Avenue Tampa FLORIDA 33634
Attorney of Record	Anna B. Naydonov
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: LUNA

LUNA

US Serial Number: 88863834

Application Filing Date: Apr. 08, 2020

US Registration Number: 6193754

Registration Date: Nov. 10, 2020

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 10, 2020

Publication Date: Aug. 25, 2020

Mark Information

Mark Literal Elements: LUNA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1560325

International Application(s) /Registration(s) Based on this Property: A0100941/1560325

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: musical instruments, namely, guitars and ukuleles

International Class(es): 015 - Primary Class

U.S Class(es): 002, 021, 036

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 01, 2005

Use in Commerce: Oct. 01, 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Concordia Investment Partners, LLC
Owner Address: 4924 W Waters Avenue
Tampa, FLORIDA UNITED STATES 33634
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anna B. Naydonov
Attorney Primary Email Address: docketing@finnegan.com
Docket Number: 14274.0084
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Anna B. Naydonov
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20001
Phone: 202-408-4000
Fax: 202-408-4400
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 10, 2020	REGISTERED-PRINCIPAL REGISTER	
Aug. 25, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 25, 2020	PUBLISHED FOR OPPOSITION	
Aug. 05, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 21, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 20, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	70633
Jul. 20, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	70633
Jul. 14, 2020	ASSIGNED TO LIE	70633
Jul. 02, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 26, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION WRITTEN	93679
Jun. 26, 2020	ASSIGNED TO EXAMINER	93679
Apr. 16, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2020	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Nov. 10, 2020

Proceedings

Summary

Number of 1

Proceedings:

Type of Proceeding: Cancellation

Proceeding Number: [92076048](#)

Filing Date: Dec 23, 2020

Status: Terminated

Status Date: Mar 30, 2021

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Luna Trifecta

Correspondent Address: LUNA TRIFECTA
510 D ST SE #16
QUINCY WA UNITED STATES , 98848

Correspondent e-mail: didopan@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUNA TRIFECTA	Cancelled - Section 18	88332384	6038382

Plaintiff(s)

Name: Concordia Investment Partners, LLC

Correspondent Address: ANNA B. NAYDONOV
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC UNITED STATES , 20001

Correspondent e-mail: docketing@finnegan.com , doug.rettew@finnegan.com , anna.naydonov@finnegan.com , jessica.hannah@finnegan.com , TTAB-Legal-Assistants@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUNA	Registered	88863834	6193754
LUNA	Suspension Letter - Mailed	88865785	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2020	Feb 01, 2021
3	INSTITUTED	Dec 23, 2020	
4	NOTICE OF DEFAULT	Feb 12, 2021	
5	BD DECISION: CAN GRANTED	Mar 30, 2021	
6	COMMR ORDER CANCELLING REG	Mar 30, 2021	
7	TERMINATED	Mar 30, 2021	

Notice of Opposition
Application Serial No. 88672099
Mark: LUNA

Exhibit B



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LUNA

Word Mark LUNA

Goods and Services IC 009. US 021 023 026 036 038. G & S: Amplifiers for guitars and ukuleles. FIRST USE: 20100101. FIRST USE IN COMMERCE: 20100601

IC 015. US 002 021 036. G & S: Musical instrument cases; musical instrument straps; guitar picks. FIRST USE: 20091120. FIRST USE IN COMMERCE: 20091120

IC 021. US 002 013 023 029 030 033 040 050. G & S: Polishing cloths for guitars and ukuleles. FIRST USE: 20091201. FIRST USE IN COMMERCE: 20091201

IC 025. US 022 039. G & S: Hats; caps being headwear; shirts; and T-shirts. FIRST USE: 20130515. FIRST USE IN COMMERCE: 20130515

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number **88865785**

Filing Date April 9, 2020

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Concordia Investment Partners, LLC LIMITED LIABILITY COMPANY FLORIDA 4924 W Waters Avenue Tampa FLORIDA 33634

Attorney of Record Anna B. Naydonov

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: LUNA

LUNA

US Serial Number: 88865785

Application Filing Date: Apr. 09, 2020

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 11, 2021

Mark Information

Mark Literal Elements: LUNA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Amplifiers for guitars and ukuleles

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2010

Use in Commerce: Jun. 01, 2010

For: Musical instrument cases; musical instrument straps; guitar picks

International Class(es): 015 - Primary Class

U.S Class(es): 002, 021, 036

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 20, 2009

Use in Commerce: Nov. 20, 2009

For: Polishing cloths for guitars and ukuleles

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2009

Use in Commerce: Dec. 01, 2009

For: Hats; caps being headwear; shirts; and T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 15, 2013

Use in Commerce: May 15, 2013

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Concordia Investment Partners, LLC

Owner Address: 4924 W Waters Avenue
Tampa, FLORIDA UNITED STATES 33634

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anna B. Naydonov

Docket Number: 14274.0093

Attorney Primary Email Address: docketing@finnegan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Anna B. Naydonov
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901 NEW YORK AVENUE NW
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20001

Phone: 202-408-4000

Fax: 202-408-4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2021	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 11, 2021	LETTER OF SUSPENSION E-MAILED	6332
Jan. 11, 2021	SUSPENSION LETTER WRITTEN	94655
Dec. 28, 2020	ASSIGNED TO EXAMINER	94655
Dec. 24, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 23, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 23, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 26, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION WRITTEN	93679
Jun. 26, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION E-MAILED	6325
Jun. 26, 2020	NON-FINAL ACTION WRITTEN	93679
Jun. 26, 2020	ASSIGNED TO EXAMINER	93679
Apr. 17, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: REED, MAUREEN J

Law Office Assigned: LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jan. 11, 2021

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92076048](#)

Filing Date: Dec 23, 2020

Status: Terminated

Status Date: Mar 30, 2021

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Luna Trifecta

Correspondent Address: LUNA TRIFECTA
510 D ST SE #16
QUINCY WA UNITED STATES , 98848

Correspondent e-mail: didopan@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUNA TRIFECTA	Cancelled - Section 18	88332384	6038382

Plaintiff(s)

Name: Concordia Investment Partners, LLC

Correspondent Address: ANNA B. NAYDONOV
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
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Associated marks

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7	TERMINATED	Mar 30, 2021	