

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

STEPHEN R. ENOS,
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:
: Consolidated Proceeding:
:
: Petitioner,
:
: Cancellation No. 92057182 (parent) - 77 816 487
v. :
: Cancellation No. 92061310
:
INSOMNIAC HOLDINGS, LLC,
:
:
:
: Respondent.
:
:

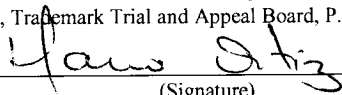
and

GARY RICHARDS,
:
:
:
: Petitioner,
:
:
:
v. :
:
:
:
INSOMNIAC HOLDINGS, LLC,
:
:
:
: Registrant.
:
:

**PETITIONERS RESPONSE TO BOARD’S DECEMBER 10, 2015
ORDER CONCERNING DESIGNATION OF LEAD COUNSEL**

Petitioners Stephen Enos and Gary Richards (collectively “Petitioners”) submit this response to the Board’s December 10, 2015 Order requiring them to “appoint one lead counsel to supervise and coordinate the conduct of their cases and to file a paper with the Board indicating

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<u>Certificate of Mailing</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail No. EF 113296766 US in an envelope addressed to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on:	
12/23/2015 (Date of Deposit)	 (Signature)
MARIO ORTIZ (Printed name of person mailing paper or fee)	12/23/2015 (Date of Signature)



the appointment.” As stated in the Board’s Order, lead counsel is “responsible for making and distributing copies of any Board communication to counsel for the other petitioner.”

Solely for purposes of the Board’s Order, Petitioners appoint Jason D. Jones, Esq. of Fross, Zelnick, Lehrman & Zissu, P.C., 866 United Nations Plaza, NY, NY 10017, jjones@fzlz.com—counsel for Petitioner Richards—as lead counsel. Because the individual cases do not lose their separate identity due to consolidation, Petitioners agree and recognize that Mr. Jones does not represent Mr. Enos and is not taking on any substantive responsibility for Petitioner Enos’ proceeding, including advancing arguments or claims that are not at issue in Petitioner Richards’ proceeding.

One official copy of any Board communication should be sent to Mr. Jones, but the parties also request that the Board use both counsels’ email addresses in issuing orders and rulings on TTABVUE.

Dated: New York, New York
December 23, 2015

Respectfully submitted,

**FROSS ZELNICK LEHRMAN
& ZISSU, P.C.**

By: 

Barbara A. Solomon
Robert A. Becker
Jason D. Jones

Attorneys for Petitioner Richards
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Dated: Sherman Oaks, California
December 23, 2015

Respectfully submitted,

THE RUDD LAW FIRM

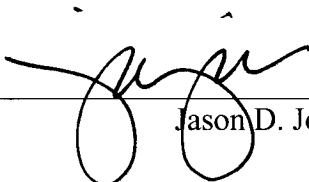
By: 

Christopher L. Rudd

Attorneys for Petitioner Enos
15233 Ventura Blvs., Suite 320
Sherman Oaks, California 91403
(310)-457-4072

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing document be served by prepaid, first-class mail on this 23rd day of December, 2015, upon Registrant's attorney, Christopher T. Varas, Esq., Kilpatrick Townsend & Stockton LLP, 1420 5th Avenue, Suite 3700, Seattle, WA 98101.



Jason D. Jones