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Filing date: **12/10/2018**

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

Proceeding	92064019
Party	Defendant Amusement Art, LLC
Correspondence Address	MICHAELANGELO G LOGGIA AMUSEMENT ART LLC 1110 SEWARD STREET LOS ANGELES, CA 90038 UNITED STATES amusementart@gmail.com, debora@itsawonderful-world.com, mi- kael@iawworld.com, michael@iawworld.com, legal@amusementart.com 323-465-2626 ext 101
Submission	Response to Board Order/Inquiry
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Signature	/Michaelangelo Loggia/
Date	12/10/2018
Attachments	Response to Board Order 121018.pdf(733452 bytes)

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

LIFE IS BEAUTIFUL, LLC, Petitioner, V. AMUSEMENT ART, LLC, Registrant.	Cancellation No.: 92064019 Mark: LIFE IS BEAUTIFUL Reg. No.: 4,971,412 Filing Date: July 05, 2016
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RESPONSE TO ORDER RE STATUS OF CIVIL ACTION

On September 14, 2016, the Board suspended the present proceeding pending the final disposition, including any appeals or remands, of Case No. 2:14-cv-08290-DDP-JPR (“the Civil Action”). Pursuant to the Order mailed November 9, 2018, an update of the status of the Civil Action is provided below.

On November 29, 2016, the district court entered its order, with written opinion, granting: Petitioner’s motion for summary judgment on all of Registrant’s claims, and Petitioner’s motion for summary judgment on Petitioners’ counterclaims for cancellation of Registrant’s eight trademark registrations that Registrant had already voluntarily surrendered. On December 14, 2016, the district court entered judgement in favor of Defendants on all of Registrant’s claims and all of Defendants’ counterclaims pending in the matter. On January 10, 2017, Registrant filed its notice of appeal to the United States Court of Appeals for the Ninth Circuit. Registrant’s opening brief was filed on October 6, 2017. Registrant filed its answering brief on January 5, 2018. Registrant’s reply brief was filed on April 5, 2018. Oral argument was originally scheduled for August 2017; however, as a result of a sudden health emergency, Registrant’s motion to continue hearing of oral argument was granted and the hearing was rescheduled for December 13, 2018. On December 6, 2018, Registrant filed a second motion to continue hearing of oral argument due to counsel’s worsening condition and health emergency. On December 10, 2018, the Court of Appeals for the Ninth Circuit granted Registrant’s second motion to continue hearing of oral argument, a copy of which is attached as Exhibit A.

Registrant presently anticipates oral arguments to occur in the spring of 2019. Furthermore, Registrant expects the Court of Appeals for the Ninth Circuit to issue an opinion during the 2nd quarter of 2019 at the earliest.

December 10, 2018

Respectfully submitted,

AMUSEMENT ART, LLC



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Attorneys for Registrant

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing STATUS OF CIVIL ACTION was served by first class mail, postage prepaid, on this 10th day of December, 2018, upon Petitioner and Petitioner's counsel at the following addresses of record as identified:

PETITIONER – PTO ADDRESS:

Life is Beautiful, LLC
302 E. Carson Avenue, Second Floor
Las Vegas, NV 98101

PETITIONER'S COUNSEL:

Lori N. Boatright
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

Dated: December 10, 2018



Michaelangelo G. Loggia

EXHIBIT A

FILED

UNITED STATES COURT OF APPEALS

DEC 10 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AMUSEMENT ART, LLC,

Plaintiff-Appellant,

v.

LIFE IS BEAUTIFUL, LLC; et al.,

Defendants-Appellees.

No. 17-55045

D.C. No.

2:14-cv-08290-DDP-JPR

Central District of California,
Los Angeles

ORDER

AMUSEMENT ART, LLC,

Plaintiff-Appellee,

v.

LIFE IS BEAUTIFUL, LLC and
DOWNTOWN LAS VEGAS
MANAGEMENT, LLC,

Defendants-Appellants,

and

DOES, 1 through 10, inclusive,

Defendant.

No. 17-55884

D.C. No.

2:14-cv-08290-DDP-JPR

Central District of California,
Los Angeles

AMUSEMENT ART, LLC,

Plaintiff-Appellant,

v.

LIFE IS BEAUTIFUL, LLC and
DOWNTOWN LAS VEGAS
MANAGEMENT, LLC,

Defendants-Appellees,

and

DOES, 1 through 10, inclusive,

Defendant.

No. 17-55888

D.C. No.

2:14-cv-08290-DDP-JPR

Central District of California,
Los Angeles

Before: CLIFTON and CHRISTEN, Circuit Judges, and RUFÉ,* District Judge.

Appellant, Cross-Appellee, and Cross-Appellant Amusement Art, LLC's motion to continue oral argument (Dkt. 74) is GRANTED. The oral argument in this case will be rescheduled, with notice provided to the parties. The court understands that if the attorney currently scheduled to appear for Amusement Art, LLC is unable to argue at the rescheduled time, another attorney will appear on its behalf.

* The Honorable Cynthia M. Rufe, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.