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Filing date: **01/29/2020**

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

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|------------------------|--|
| Proceeding | 92064019 |
| Party | Plaintiff Life Is Beautiful, LLC |
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| Signature | /s/ Tamerlin J. Godley |
| Date | 01/29/2020 |
| Attachments | Joint Mot to Resume-Req for Amendment of Services- and Withdrawal of Cancellation Action.pdf(96438 bytes) |

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

LIFE IS BEAUTIFUL, LLC,
Petitioner,
vs.
AMUSEMENT ART, LLC,
Respondent.

Cancellation No. 92064019
Mark: LIFE IS BEAUTIFUL
Respondent Reg. No.: 4971412

**CONSENTED JOINT MOTION TO RESUME CANCELLATION ACTION, REQUEST FOR
AMENDMENT OF SERVICES IN REGISTRATION WITH PETITIONER’S CONSENT,
AND WITHDRAWAL OF CANCELLATION ACTION WITH PREJUDICE**

Petitioner Life is Beautiful, LLC (“LIB”) and Registrant Amusement Art, LLC (“Amusement Art”) jointly move for the Trademark Trial and Appeal Board (the “Board”) to change the status of this cancellation action from suspended status and resume the cancellation action, to review and accept the proposed amendment of services identified in Amusement Art’s U.S. Reg. No. 4971412 with LIB’s consent, and contingent on the acceptance of the proposed amendment to the services, then withdraw the cancellation action with prejudice.

On July 5, 2016, LIB petitioned to cancel Amusement Art’s U.S. Registration No. 4971412 for the mark LIFE IS BEAUTIFUL in connection with services in Class 41. That petition was stayed pending resolution of the litigation between the parties in federal district court relating to the LIFE IS BEAUTIFUL mark—*Amusement Art, LLC v. Life Is Beautiful, LLC et al.*, Case No. 2:14-cv-08290-DDP-JPR (“the District Court Action”).

On November 29, 2016, the District Court granted summary judgment for LIB on Amusement Art’s claims against LIB, and LIB’s counterclaims against Amusement Art, and on May 23, 2017 awarded LIB attorney’s fees.

Amusement Art appealed the District Court’s rulings to the United States Court of Appeals for the Ninth Circuit (“Ninth Circuit”), and LIB appealed the reduction in the attorneys’ fees awarded from the amount incurred, *Amusement Art, LLC v. Life Is Beautiful, LLC et al.*, Case Nos. 17-55045, 17-55884, and 17-55888 (together with the District Court Action, the “Civil Action”).

The Ninth Circuit affirmed the District Court’s grant of summary judgment for LIB on Amusement Art’s claims and award of attorney’s fees to LIB, reversed as moot the District Court’s grant of summary judgment for LIB on LIB’s counterclaims for cancellation of Amusement Art’s registrations that Amusement Art had voluntarily surrendered, and remanded to the District Court the attorney’s fees award to determine whether it should be reduced to account for time spent on LIB’s counterclaims.

On October 24, 2019, the parties settled the two issues that remained outstanding in the Civil Action: (1) the amount of attorney’s fees LIB was entitled to receive as the prevailing party on appeal; and (2) whether and by what amount the District Court’s fee award should be reduced on remand from the Ninth Circuit. Amusement Art and LIB also agreed to amend the goods and/or services in their respective U.S. trademark registrations and/or applications for the mark LIFE IS BEAUTIFUL.

Accordingly, LIB and Amusement Art hereby requests the Board enter an amendment of the services identified in Amusement Art’s Reg. No. 4971412 for the mark LIFE IS BEAUTIFUL, with consent of LIB, by deleting the language as follows shown in bold:

Class 41 - ~~Arranging, organizing, conducting, and hosting social entertainment events;~~ Art exhibition services; Art exhibitions; ~~Audio production services, namely, creating and producing ambient soundscapes, and sound stories for museums, galleries, attractions, podcasts, broadcasts, websites and games;~~ ~~Audio recording and production;~~ ~~Augmented reality video production;~~ ~~Book publishing;~~ ~~Organizing community festivals featuring primarily Art exhibitions and also providing film, fashion shows and exhibitions.~~

The parties assert the amendment requested herein is proper, and does not broaden the services identified in the registration.

Furthermore, contingent upon the Board's entry of the above-referenced amendment to the services identified in Registrant's registration, the parties jointly request that Cancellation No. 92064019 be withdrawn with prejudice.

LIB has a pending application for use of the Life is Beautiful mark with its services (Serial No. 87-085577). This application was also suspended pending resolution of the Civil Action by the courts. LIB will be requesting that the suspension be lifted and registration granted for the services as amended and consistent with the party's co-existence agreement, which action Amusement Art does not oppose.

DATED: January 28, 2020

MUNGER, TOLLES & OLSON LLP

By: /s/ Tamerlin J. Godley
TAMERLIN J. GODLEY
Attorneys for Life Is Beautiful, LLC

DATED: January 28, 2020

AMUSEMENT ART, LLC

By: /s/ Michaelangelo Loggia
MICHAELANGELO G. LOGGIA
Attorney for Amusement Art, LLC

CERTIFICATE OF SERVICE

I, Jeremy Beecher, hereby certify that a true and exact copy of this Consented Joint Motion to Resume Cancellation Action, Request for Amendment of Services in Registration with Petitioner's Consent, and Withdrawal of Cancellation Action with Prejudice, has been served on the following person via electronic mail:

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Dated: January 28, 2020

/s/ Jeremy Beecher
Name: Jeremy Beecher