

ESTTA Tracking number: **ESTTA852434**

Filing date: **10/16/2017**

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

Proceeding	92065911
Party	Plaintiff Joseph Valenti
Correspondence Address	PHILLIP THOMAS HORTON 47 SCHOOL STREET PEMBROKE, MA 02359 UNITED STATES Email: NEROLitigation@gmail.com
Submission	Motion to Join/Substitute Party
Filer's Name	Phillip Thomas Horton
Filer's email	NEROLitigation@gmail.com
Signature	/Phillip Thomas Horton/
Date	10/16/2017
Attachments	NERO MOTION.pdf(845141 bytes)

Phillip Thomas Horton
The Law Office of Phillip Thomas Horton
736 West State Street
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Telephone: 617-721-6205
Email: NEROLitigation@Gmail.com

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

In the matter of trademark Registration No. 4657988
For the mark NERO
Registered on December 16, 2014

Joseph Valenti, Petitioner, v. Ford Ivey d/b/a NERO World, LLC, Assignee.	Cancellation No. 92065911
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MOTION FOR LEAVE TO AMEND PETITIONER'S NAME

COMES NOW Joseph Valenti (“Petitioner”), by and through his Attorney, Phillip Thomas Horton, pursuant to TBMP §512, files this motion and asks the Board to allow Petitioner to change/modify Petitioner’s name to clearly reflect Petitioner.

In support of this motion, Petitioner asserts:

1. Petitioner is the owner and sole proprietor of NERO Live Game Systems, LLC and NERO International Holding Co., Inc.
2. Petitioner’s Attorney inadvertently only used Petitioner’s name when initiating the cancellation proceedings on April 13, 2017.
3. Petitioner is and has been the owner and sole proprietor of NERO Live Game Systems, LLC, with a business address of 4719 Hatfield Street – FRNT, Pittsburgh, PA 15201, since 2011. (Exhibit A)

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4. Petitioner is and has been the owner and sole proprietor of NERO International Holding Co., Inc., with a business address of 219 Fremont Street, Peekskill, NY 10566, since 1998. (Exhibit B)

3. Petitioner asks the Board to allow Petitioner to change Petitioners name to read: Joseph Valenti d/b/a NERO Live Game Systems and Joseph Valenti d/b/a NERO International Holding Co., Inc. on the cancellation proceedings.

4. Petitioner, in the alternative, asks the Board to allow Petitioner to add NERO Live Game Systems, LLC and NERO International Holding Co., Inc. to the cancellation proceedings.

For the reasons stated above, Petitioner prays that the Board allows Petitioner to change/modify Petitioner's name.

Dated: 10/16/2017

By: /Phillip Thomas Horton/
Phillip Thomas Horton
Attorney for Petitioner
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CERTIFICATE OF SERVICE

I, Phillip Thomas Horton, Esq., certify that a true and correct copy of the foregoing document was filed with the Trademark Trial and Appeal Board via the Electronic System for Trademark Trials and Appeals and was sent via email to Jovanna Bearden at the following email address:

jovannabearden@gmail.com

jovannabearden@bearden.law

Dated: 10/16/2017

By: /Phillip Thomas Horton/
Phillip Thomas Horton
Attorney for Petitioner
47 School Street
Pembroke, MA 02359
Telephone: (617) 721-6205
Email: NEROLitigation@gmail.com

Exhibit A



WHEREAS, Joseph Alan Valenti, a person known for, since August 03, 1998, doing business as NERO International, Inc., NERO International Holding Co., Inc., and NERO Live Adventure Games, LLC; with a residence at 2763 NC Highway 731 West, Mount Gilead, NC 27306, and with a Date of Birth of October 27, 1967 (hereinafter termed ASSIGNEE), is desirous of acquiring the entire right, title, and interest in and to said WORKS and in and to any copyrights thereon arising and/or granted in the United States and foreign countries.

NOW, THEREFORE, for other goods and valuable consideration received by said AUTHOR from said ASSIGNEE, the receipt and sufficiency of which is hereby acknowledged by said AUTHOR, AUTHOR irrevocably transfers and assigns to ASSIGNEE, in perpetuity, all rights (whether now known or hereinafter invented), title, and interest, throughout the world, including any copyrights and renewals or extensions thereto, in WORKS.

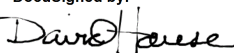
1. AUTHOR warrants and represents that he has not entered into any assignment, contract, or understanding in conflict herewith.

2. The terms, covenants, and provisions of this assignment shall inure to the benefit of ASSIGNEE, its successors, assigns, and/or other legal representatives, and shall be binding upon said AUTHOR, his respective heirs, legal representatives, and assigns.

3. This instrument contains the entire and only agreement between the parties and supersedes all other pre-existing verbal and written agreements made between them respecting its subject matter.

DAVID HOUSE

SIGNATURE:

DocuSigned by:

266BA4BDBCCE445...

David N House II

PRINTED NAME:

5/10/1966

DATE OF BIRTH:

TODAY'S DATE:

9/2/2017

ICANN WHOIS

Showing results for: *NEROLARP.COM*

Original Query: nerolarp.com

Contact Information

Registrant Contact

Name: JOSEPH VALENTI

Organization: NERO LIVE ADVENTURE GAMES, LLC

Mailing Address: 2763 NC HIGHWAY 731 W., MOUNT GILEAD NC 27306 US

Phone: +1.9143097718

Ext:

Fax:

Fax Ext:

Email: JVALENTI@NEROLARP.COM

Admin Contact

Name: JOSEPH VALENTI

Organization: NA

Mailing Address: NERO INTERNATIONAL HOLDING CO., INC., RYE NY 10580-0543 US

Phone: +1.9143289123

Ext:

Fax:

Fax Ext:

Email: JVALENTI@NEROLARP.NET

Tech Contact

Name: JOSEPH VALENTI

Organization: NA

Mailing Address: NERO INTERNATIONAL HOLDING CO., INC., RYE NY 10580-0543 US

Phone: +1.9143289123

Ext:
Fax:
Fax Ext:
Email:JVALENTI@NEROLARP.NET

Registrar

WHOIS Server: whois.enom.com
URL: www.enom.com
Registrar: ENOM, INC.
IANA ID: 48
Abuse Contact Email:abuse@enom.com
Abuse Contact Phone: +1.4252982646

Status

Domain Status:ok <https://www.icann.org/epp#ok>

Important Dates

Updated Date: 2017-03-20
Created Date: 1998-04-17
Registrar Expiration Date: 2018-04-16

Name Servers

NS1.NEROLARP.COM
NS2.NEROLARP.COM

Raw WHOIS Record

Domain Name: NEROLARP.COM
Registry Domain ID: 1651836_DOMAIN_COM-VRSN

Registrar WHOIS Server: whois.enom.com
Registrar URL: www.enom.com
Updated Date: 2017-03-20T00:29:25.00Z
Creation Date: 1998-04-17T04:00:00.00Z
Registrar Registration Expiration Date: 2018-04-16T04:00:00.00Z
Registrar: ENOM, INC.
Registrar IANA ID: 48
Domain Status: ok <https://www.icann.org/epp#ok>
Registry Registrant ID:
Registrant Name: JOSEPH VALENTI
Registrant Organization: NERO LIVE ADVENTURE GAMES, LLC
Registrant Street: 2763 NC HIGHWAY 731 W.
Registrant City: MOUNT GILEAD
Registrant State/Province: NC
Registrant Postal Code: 27306
Registrant Country: US
Registrant Phone: +1.9143097718
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: JVALENTI@NEROLARP.COM
Registry Admin ID:
Admin Name: JOSEPH VALENTI
Admin Organization: NA
Admin Street: NERO INTERNATIONAL HOLDING CO., INC.
Admin Street: PO BOX 543
Admin City: RYE
Admin State/Province: NY
Admin Postal Code: 10580-0543
Admin Country: US
Admin Phone: +1.9143289123
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: JVALENTI@NEROLARP.NET
Registry Tech ID:
Tech Name: JOSEPH VALENTI
Tech Organization: NA
Tech Street: NERO INTERNATIONAL HOLDING CO., INC.
Tech Street: PO BOX 543
Tech City: RYE
Tech State/Province: NY
Tech Postal Code: 10580-0543
Tech Country: US
Tech Phone: +1.9143289123
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: JVALENTI@NEROLARP.NET
Name Server: NS1.NEROLARP.COM
Name Server: NS2.NEROLARP.COM
DNSSEC: unSigned
Registrar Abuse Contact Email: abuse@enom.com
Registrar Abuse Contact Phone: +1.4252982646

URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2017-03-20T00:29:25.00Z <<<

For more information on Whois status codes, please visit
<https://icann.org/epp>

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We reserve the right to modify these terms at any time. By submitting this query, you agree to abide by these terms.
Version 6.3 4/3/2002

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Exhibit B

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 13, 2017.

Selected Entity Name: NERO INTERNATIONAL HOLDING CO., INC.

Selected Entity Status Information

Current Entity Name: NERO INTERNATIONAL HOLDING CO., INC.

DOS ID #: 2282267

Initial DOS Filing Date: JULY 24, 1998

County: WESTCHESTER

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

NERO INTERNATIONAL HOLDING CO., INC.

219 FREMONT STREET

PEEKSKILL, NEW YORK, 10566

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares **Type of Stock** **\$ Value per Share**
200 No Par Value

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 24, 1998	Actual	NERO INTERNATIONAL HOLDING CO., INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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