

ESTTA Tracking number: **ESTTA1014349**

Filing date: **11/07/2019**

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

Proceeding	92070411
Party	Defendant Team IP Holdings, LLC
Correspondence Address	S ROXANNE EDWARDS KLEMCHUK LLP 8150 NORTH CENTRAL EXPRESSWAY, 10TH FLOOR DALLAS, TX 75206 UNITED STATES roxanne.edwards@klemchuk.com, tim.craddock@klemchuk.com 214-367-6000
Submission	Motion to Amend Registration (Requires a Fee and a Declaration)
Filer's Name	S. Roxanne Edwards
Filer's email	Roxanne.edwards@klemchuk.com, trademarks@klemchuk.com
Declaration and Signature of Registrant or Attorney for Registrant	The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that the facts set forth above are true, all statements made of his or her own knowledge are true, and all statements made on information and belief are believed to be true. /S. Roxanne Edwards/
Date	11/07/2019
Attachments	2019.11.07_ Revised Stipulated Motion on Consent to Amend Application.pdf(108843 bytes)

Registration Subject to the filing

Registration No.	5365711	Registration date	12/26/2017
Registrant	TEAM IP HOLDINGS, LLC 14301 FAA Blvd., Suite 105 Fort Worth, TX 76155 UNITED STATES		

Goods/Services Subject to the filing

Class 009. First Use: 2016/09/14 First Use In Commerce: 2016/09/14

All goods and services in the class are requested, namely: Headphones; wireless headphones; ear buds; wireless ear buds; earphones; sound amplifiers; sound mixers with integrated amplifiers; sound projectors; sound systems comprising remote controls, amplifiers, loudspeakers and components therefor; wireless speakers; wireless digital media streaming devices; electronic components, namely, biometric sensors, proximity sensors, and power cell batteries; electronic apparatus with multimedia functions for use with all of the aforesaid goods, namely, multifunctional electronic devices for displaying, measuring, and transmitting biometric data; sensors for scientific use, for the purpose of gathering biometric data; hearing muffs, namely, sound amplifiers; and personal sound amplification products, namely, PSAPs intended to amplify sound for non-hearing impaired individuals

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

LUCID SOUND, INC.	§	
	§	
Petitioner,	§	
	§	Cancellation No. 92070411
v.	§	Registration No. 5,365,711
	§	For Mark: LUCID AUDIO
TEAM IP HOLDINGS, LLC	§	Date Registered: December 26, 2017
	§	
Registrant.	§	

**Revised Stipulated Motion on Consent to
Amend and Suspend Proceeding**

On October 24, 2019, Registrant filed a stipulated motion to amend with consent of Petitioner. The requested amendment was not granted as it was not accompanied by the proper fee and declaration. In reply and pursuant to the Trademark Consent and Coexistence Agreement between the parties, Registrant hereby submits this revised stipulated motion to amend the subject registration and suspend the proceeding pursuant to the terms set forth herein.

Registrant requests that the goods and services covered by the subject registration be amended to the following, with limiting and narrowing additions noted in **bold** and deletions noted in ~~strike through~~:

Class 9: *headphones; wireless headphones; ear buds; wireless ear buds; earphones; **all of the foregoing categories for hearing protection and/or sound amplification to enhance hearing and/or provide environmental or situational sound awareness, and excluding gaming headsets adapted for use in playing video games or uses other than for providing hearing enhancement and/or environmental or situational sound awareness***~~sound amplifiers; sound mixers with integrated amplifiers; sound projectors; sound systems comprising remote controls, amplifiers, loudspeakers and components therefor; wireless speakers; electronic components, namely, biometric sensors, proximity sensors; electronic apparatus with multimedia functions for use with all of the aforesaid goods, namely, multifunctional electronic devices for displaying, measuring and transmitting biometric data; sensors for scientific use, for the purposes of gathering biometric data; hearing muffs, namely, sound amplifiers to enhance hearing and/or for sound protection; and personal sound amplification products, namely, PSAPs intended to amplify sound for non-hearing impaired individuals, namely, to enhance hearing and/or provide environmental or situational sound awareness; wireless digital media streaming devices for use in connection with the aforementioned sound protection and sound amplification products; power cell batteries; and~~

Class 10: *hearing enhancement products, namely, hearing protection muffs in the nature of ear plugs for noise reduction; ear plugs for medical purposes; and assistive listening devices for the hearing impaired*

Registrant has secured Petitioner's consent and stipulation to this Motion. It is respectfully submitted that these amendments do not require republication as the amendments to the description of goods narrow rather than broaden the scope of the registration.

Also pursuant to the Trademark Consent and Coexistence Agreement between the parties, Petitioner submitted an amendment to the description of the goods covered by its pending applications, along with the consent from Registrant to overcome the rejections of the applications in view of the subject registration.

If Registrant's amendments are approved by the Board, and Petitioner's amendments are approved by the Examining Attorney, Petitioner will withdraw the cancellation with prejudice within 15 business days of the end of the publication period of its pending applications.

The parties request that the cancellation proceeding be suspended pending disposition of this Motion.

Respectfully submitted,

DATED: November 7, 2019

By: /S. Roxanne Edwards/

S. Roxanne Edwards

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ATTORNEY FOR Registrant

Team IP Holdings, LLC

CONSENTED TO:

By: /s/ Whitney E. Peterson, Esq.

Whitney E. Peterson, Esq.

Whitney Peterson & Associates

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ATTORNEY FOR PETITIONER

Lucid Sound, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of this Stipulated Motion on Consent to Amend and Suspend Proceeding has been served upon the following counsel for Petitioner on November 7, 2019, via electronic mail:

Whitney E. Peterson, Esq.
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Midway, Utah 84049
wpeterson@whitneypetersonlaw.com

/S. Roxanne Edwards/ _____
S. Roxanne Edwards