

ESTTA Tracking number: **ESTTA1008913**

Filing date: **10/15/2019**

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

Proceeding	92071825
Party	Defendant Zone Cheer All-Stars Inc.
Correspondence Address	CHARLES WILLIAM CURTIS III LAW OFFICES OF CURTIS & ASSOCIATES PA 701 MARKET STREET UNIT 109 ST AUGUSTINE, FL 32095 UNITED STATES billcurtis@curtisfirm.com, brittanynixon@curtisfirm.com 904-819-6959
Submission	Motion to Amend Registration (Requires a Fee and a Declaration)
Filer's Name	Charles William Curtis, III
Filer's email	billcurtis@curtisfirm.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. /Charles William Curtis, III/
Date	10/15/2019
Attachments	Stipulated Amendment.pdf(275405 bytes)

Registration Subject to the filing

Registration No.	4944997	Registration date	04/26/2016
Registrant	Zone Cheer All-Stars Inc. 23 Panther Lane, Suite 12 Ponte Vedra, FL 32081 UNITED STATES		

Goods/Services Subject to the filing

Class 025. First Use: 2009/06/01 First Use In Commerce: 2009/06/01

All goods and services in the class are requested, namely: Clothing in the field of cheerleading, namely, uniforms, skirts, tank tops, sweaters, dresses, pants, shorts, swim suits, sports tops, jerseys, socks, jackets, T-shirts, sweatshirts; headwear; footwear

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

In the Matter of Registration No. 4,944,997
Registered: April 26, 2016

<u>Black Diamond Equipment, Ltd.</u>	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92071825
	:	
Zone Cheer All-Stars, Inc.	:	
	:	
<u>Respondent.</u>	:	

**STIPULATED REQUEST TO AMEND REGISTRATION SUBJECT TO
CANCELLATION NO. 92071825 AND TO DISMISS SUCH CANCELLATION
WITHOUT PREJUDICE UPON ACCEPTANCE OF AMENDMENT**

Petitioner Black Diamond Equipment, Ltd. (“Black Diamond”) and Respondent Zone Cheer All-Stars, Inc. (“Zone Cheer”) hereby stipulate to resolution of Cancellation No. 92071825 as follows: (i) the Parties request that the Board amend the description of goods in U.S. Registration No. 4944997 for the mark ZONE and Design (which is the subject of Cancellation No. 92071825) as set forth below; and (ii) upon the Board’s approval of such amendment to U.S. Registration No. 4944997, dismiss Cancellation No. 92071825 without prejudice.

The parties hereby stipulate, agree, and request that the Board amend the description of goods in U.S. Registration No. 4944997 as follows:

Original Description of Goods:

Clothing in the field of cheerleading, namely, uniforms, skirts, tank tops, sweaters, dresses, pants, shorts, swim suits, sports tops, jerseys, socks, jackets, T-shirts, sweatshirts; headwear; footwear.

Amended Description of Goods, in “Redlined” Format:

Clothing in the field of cheerleading, namely, uniforms, skirts, tank tops, sweaters, dresses, pants, shorts, swim suits, sports tops, jerseys, socks, jackets, T-shirts, sweatshirts; headwear in the field of cheerleading; footwear in the field of cheerleading.

Amended Description of Goods, in "Clean" Format:


Clothing in the field of cheerleading, namely, uniforms, skirts, tank tops, sweaters, dresses, pants, shorts, swim suits, sports tops, jerseys, socks, jackets, T-shirts, sweatshirts; headwear in the field of cheerleading; footwear in the field of cheerleading.

The Parties respectfully submit that such amendment narrows, rather than broadens, the scope of the description of goods in such registration, and as such, the proposed amendment should be approved by the Board.

Upon entry of the foregoing amendment to U.S. Registration No. 4944997, the Parties hereby stipulate that Cancellation No. 92071825 is dismissed without prejudice. Should the Board decline to enter the stipulated amendments, the Parties request that the Board suspend Cancellation No. 92071825.

Respectfully submitted,

Respondent Zone Cheer All-Stars, Inc.

By: 

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*Attorneys for Respondent Zone Cheer
All-Stars, Inc.*

Date: October 3, 2019

Petitioner Black Diamond Equipment, Ltd.

By: 

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Date: October 14, 2019