

ESTTA Tracking number: **ESTTA1242697**

Filing date: **10/19/2022**

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

Proceeding no.	92074011
Party	Defendant Franklin Square Holdings, L.P.
Correspondence address	CAMILLE M MILLER COZEN OCONNOR 1650 MARKET STREET PHILADELPHIA, PA 19103 UNITED STATES Primary email: cmiller@cozen.com Secondary email(s): kgibbs@cozen.com, jcloak@cozen.com, tre-ginelli@ginelli@cozen.com, phipdocketing@cozen.com, cbranka@cozen.com 215-665-7273
Submission	Motion to Amend Registration (Requires a Fee and a Declaration)
Filer's name	Camille M. Miller
Filer's email	cmiller@cozen.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. /Camille M. Miller/
Date	10/19/2022
Attachments	Growmark v. Franklin Square Final.pdf(166608 bytes) Revised Motion to Amend- Growmark v. Franklin Square - Final.pdf(133409 bytes)

Registration subject to the submission

Registration no.	4723056	Registration date	04/21/2015
Register	Principal		
Registrant	Franklin Square Holdings, L.P. 201 ROUSE BOULEVARD PHILADELPHIA, PA 19112 UNITED STATES Email: uspto@cozen.com		

Goods/services subject to the submission

<p>Class 036. First Use: May 30, 2009 First Use In Commerce: May 30, 2009 All goods and services in the class are requested, namely: Investment of funds for others; management of investment of funds for others; investment management services; Business Development Company funding services to small and mid-sized businesses; BusinessDevelopment Company services, namely, providing financing to small and mid-sized businesses; Business Development Company fund management; Business DevelopmentCompany financing; mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment;</p>

asset allocation services

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Cancellation No. 92074009 (Parent)
Cancellation No. 92074010
Cancellation No. 92074011

GROWMARK, Inc.

v.

Franklin Square Holdings, L.P.

RESPONSE TO THE BOARD ORDER ON OCTOBER 6, 2022

This is responsive to the Order issued by the Trademark Trial and Appeal Board dated October 6, 2022 to which no response is due until November 5, 2022. As requested by Rebecca Stempien Coyle, Interlocutory Attorney, Respondent has now filed a revised motion to amend as to its Registration Nos. 4989475, 4723056 and 5102059, including the submission of the required fees and declarations in support of the requested amendments. *See* Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b).

Respectfully submitted,

COZEN O'CONNOR



Camille M. Miller
1650 Market Street, Suite 2800
Philadelphia, PA 19103
(215) 665-7273; Fax: (215) 665-2013
cmiller@cozen.com
Attorney for Franklin Square Holdings, L.P.

Dated: October 19, 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **RESPONSE TO THE BOARD ORDER ON OCTOBER 6, 2022** is being served upon GROWMARK, Inc. on October 19, 2022, via email to:

Jamie Nafziger, Esq.
Dorsey & Whitney LLP
Fifty South Sixth Street
Suite 1500
Minneapolis, MN 55402

ip.docket@dorsey.com
nafziger.jamie@dorsey.com
jarzyna.alison@dorsey.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of Trademark Registration No. 4,989,475



For the mark: INVESTMENTS FS INVESTMENTS (Stylized)
Date Registered: June 28, 2016

In the matter of Trademark Registration No. 4,723,056

For the mark: FS INVESTMENTS
Date Registered: April 21, 2015

In the matter of Trademark Registration No. 5,102,059

For the mark: FS INVESTMENT SOLUTIONS
Date Registered: December 13, 2016

GROWMARK, Inc.,	:	
	:	
Petitioner,	:	Cancellation Nos. 92074009, 92074010, and
	:	92074011
v.	:	Petitioner’s Ref.: M279711
	:	
Franklin Square Holdings, L.P.,	:	
	:	
Registrant.	:	

**REVISED JOINT MOTION TO AMEND REGISTRATIONS AND TO DISMISS
CANCELLATION UPON ENTRY OF AMENDMENTS**

The parties hereby stipulate and request that the above-captioned registration for FS INVESTMENTS (Stylized) (U.S. Reg. No. 4,989,475) be amended as follows:

Class 036: Investment of funds for others; management of investment of funds for others; investment management services; ~~Business Development Company funding services to small and mid-sized businesses; Business Development Company services, namely, providing financing to small and mid-sized businesses;~~ Business Development Company fund management; ~~Business Development Company financing;~~ mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment; asset allocation services; all of the

aforementioned services expressly excluding those primarily directed to agricultural commodity derivatives.

The parties further stipulate and request that the above-captioned registration for FS INVESTMENTS (U.S. Reg. No. 4,723,056) be amended as follows:

Class 036: Investment of funds for others; management of investment of funds for others; investment management services; ~~Business Development Company funding services to small and mid-sized businesses; Business Development Company services, namely, providing financing to small and mid-sized businesses;~~ Business Development Company fund management; ~~Business Development Company financing;~~ mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment; asset allocation services; all of the aforementioned services expressly excluding those primarily directed to agricultural commodity derivatives.

The parties hereby stipulate and request that the above-captioned registration for FS INVESTMENTS SOLUTIONS (U.S. Reg. No. 5,102,059) be amended as follows:

Class 036: Investment of funds for others; management of investment of funds for others; investment management services; ~~Business Development Company funding services to small and mid-sized businesses; Business Development Company services, namely, providing financing to small and mid-sized businesses;~~ Business Development Company fund management; ~~Business Development Company financing;~~ mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment; asset allocation services; financial services, namely, broker/dealer services on securities exchanges and over-the-counter markets; all of the aforementioned services expressly excluding those primarily directed to agricultural commodity derivatives.

The parties believe the amendments to the registrations only limit the descriptions and should therefore be approved. The parties respectfully request that Cancellation Action Nos. 92074009, 92074010, and 92074011 be suspended pending the Board's decision upon the entry of the amendments.

The signatory for the Registrant 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 all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Registrant has paid to the USPTO \$100/registration for these amendment requests for a total of \$300 for amending the three registrations.

The parties further request that, once the amendments are entered by the Board, that Cancellation Action Nos. 92074009, 92074010, and 92074011 be dismissed with prejudice, with the parties to bear their own fees and costs.

/s/ Jamie Nafziger/
Jamie N. Nafziger, Esq.
Alison W. Jarzyna, Esq.
Dorsey & Whitney LLP
Fifty South Sixth Street
Suite 1500
Minneapolis, MN 55402

Attorneys for Petitioner

Dated: October 19, 2022.

/s/ Camille M. Miller/
Camille M. Miller PA Bar No. 79670
Cozen O'Connor
One Liberty Place, Suite 2800
1650 Market Street
Philadelphia, PA 19103

Attorney for Registrant

Dated: October 19, 2022.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **REVISED JOINT MOTION TO AMEND REGISTRATIONS AND TO DISMISS CANCELLATIONS UPON ENTRY OF AMENDMENTS** is being served upon GROWMARK, Inc. on October 19, 2022, via email to:

Jamie Nafziger, Esq.
Dorsey & Whitney LLP
Fifty South Sixth Street
Suite 1500
Minneapolis, MN 55402

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