

ESTTA Tracking number: **ESTTA1176719**

Filing date: **12/06/2021**

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

Proceeding	92074599
Party	Defendant Grupo Massimo Dutti, S.A.
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Date	12/06/2021
Attachments	MD Audio v. Grupo Massimo Dutti - Withdrawal of Petition to Cancel Co ntinent Upon Amendment of Registration in Class 9.pdf(272242 bytes)

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



In re: Registration No. 5,876,508 for the mark , registered on October 8, 2019.

MD AUDIO ENGINEERING, INC.

Petitioner,

v.

GRUPO MASSIMO DUTTI, S.A

Registrant.

Reg. No. 5,876,508

Cancellation No. 92074599

**WITHDRAWAL OF PETITION TO CANCEL WITH PREJUDICE CONTINGENT
UPON AMENDMENT OF REGISTRATION NO. 5876508**

Pursuant to 37 C.F.R. § 2.133(a), Registrant Grupo Massimo Dutti, S.A. (“Registrant”) hereby requests that the Trademark Trial and Appeal Board (the “Board”) grant approval to amend its recitation of goods in Registration No. 5,876,508, which is the subject of Cancellation Proceeding No. 92074599, with the following additions in red:

Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electric switches and electrical transformers; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank compact sound recording discs; blank compact discs, blank recordable DVDs; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; compiler software; fire-extinguishers; computer peripheral devices; anti-glare glasses; eyeglasses; optical lenses; eyeglass chains; contact lenses; eyeglass cords; dressmakers' tape measures; spectacles; spectacle cases; spectacle and eyeglass frames; sunglasses; cases for eyeglasses and for contact lenses; shoes for protection against accidents, irradiation and fire; bullet-proof waistcoats; life jackets; garments and clothes for protection against fire; gloves for divers; gloves for protection against accidents; diving suits; magnetic encoded stored value cards for making purchases at retail stores and magnetic coded gift cards; clothing for protection against accidents, irradiation and fire; protective suits for aviators; electronic agendas; telephone apparatus; weighbridges; directional compasses; accounting machines; protective helmets; protective helmets for sports; telescopes; chronographs for use as specialized time recording apparatuses; measuring spoons; pedometers; prerecorded compact discs featuring audio and video recordings of music, films, and digital photos; optical mirrors; binoculars; temperature indicators;

chains and cords for eyeglasses; computer game programs; cassette players; bar code readers; signal, magic and optical lanterns; magnifying glasses; dictating and automating billing machines for processing accounting information; bathroom scales; electric, galvanic and solar batteries; computer operating programs; electronic pocket translators; transistors, excluding those for installation in automobiles; thermometers not for medical purposes; intercommunication apparatus, namely, interoperable communication system designed to provide radio, streaming video, wireless internet, and VOIP phone; blank video cassettes and prerecorded video cassettes featuring music, films and recorded images of photos; portable radio-telephones in the nature of walkie-talkies; downloadable electronic publications in the nature of brochures, books, and manuals in the field of textiles, retail services, fashion and business administration; egg timers; acoustic sound alarms; anti-theft warning apparatus, namely, anti-theft burglar alarms; fire alarms; mouse pads; loudspeakers excluding those for installation in automobiles; amplifiers, excluding those for installation in automobiles; aerials; anti-glare visors for helmets; music headphones; answering machines; false coin detectors; teeth protectors for sports; money counting and sorting machines; apparatus for measuring the thickness of skins and leather; electronic tags for goods; goggles for sports; magnets; light-emitting electronic pointers; mobile telephones; enlarging apparatus for photography in the nature of viewfinders; apparatus and instruments for astronomy in the nature of astrometric measuring instruments; thermionic valves; coin-operated musical juke boxes; scales; life-saving rafts; tape recorders; head cleaning tapes for video recording machines, videotapes recorded with animation; blank magnetic tapes for tape recorders and blank magnetic disks; demagnetizing apparatus for magnetic tapes; barometers; thermostats; cinematographic cameras; camcorders; video game cartridges; magnetic encoders; graduated glassware; revolution counters; slides for photography; slide projectors; dynamometers; reflecting discs for wear, for the prevention of traffic accidents; hemline markers; dosimeters; covers for electric outlets; radiotelephony sets; scanners; cases for optical articles, namely, compact disks, optical mirrors, optical readers; flash-bulbs for use in photography; photocopiers; hologram apparatus; compact disc players; luminous signs; neon signs; video recorders; electric textile measuring instruments; speaking tubes; computer memories; microphones; microprocessors; modems; breathing apparatus for underwater swimming; microscope objectives; ozonizers; projection screens; electric switches; dog whistles; electronic push buttons for bells; radios, excluding those for installation in automobiles; audio-receivers and video-receivers, excluding those for installation in automobiles; wrist rests for use with computers; lever scales; television; record players; word processors; video telephones; carrying cases for mobile computers, tablet computers, mobile telephones, smartphones, electronic book readers; smartphones; smart watches; magnetic wires, excluding those for installation in automobiles; galvanometers; electrodes; personal stereos; cameras

Petitioner MD Audio Engineering ("Petitioner") consents to Registrant's amendment set forth above. This request is being made for the purpose of resolving pending Cancellation Proceeding No. 92074599, and without any admissions of liability or wrongdoing by Registrant.

Contingent upon the Board accepting the foregoing amendment to Registration No. 5,876,508, Petitioner, through its undersigned counsel, hereby withdraws its Petition to Cancel Registration No. 5,876,508. This withdrawal is made with prejudice.

Respectfully submitted,

MD AUDIO ENGINEERING, INC.

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Dated: December 6, 2021

GRUPO MASSIMO DUTTI, S.A.

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Dated: December 6, 2021