ESTTA Tracking number: **ESTTA1088525**

Filing date: **10/14/2020**

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

Proceeding	92074702
Party	Defendant Bang Holdings Corp.
Correspondence Address	STEVE BERKE BANG HOLDINGS CORP 1400 NE MIAMI GARDENS DRIVE SUITE 208 NORTH MIAMI BEACH, FL 33179 UNITED STATES Primary Email: steve@bangvapor.com No phone number provided.
Submission	Motion to Join/Substitute Party
Filer's Name	Gideon Eckhouse
Filer's email	trademarks@bangenergy.com
Signature	/Gideon Eckhouse/
Date	10/14/2020
Attachments	Motion to Substitute 92074702.pdf(355282 bytes)

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

	) **Cancellation No. 92074702**
SD Import, LLC,	)
	) **Registration Nos.: 4,744,797;**
Petitioner,	) **4,744,798; 4,929,022; and 4,929,023**
	)
v.	) **Marks: BANGVAPS;**
	) **BANGVAPORIZERS; BANG;**
JHO Intellectual Property Holdings, LLC,	) **and BANG VAPOR**
	)
Defendant/Assignee	)
_____	)

MOTION TO SUBSTITUTE BY JHO INTELLECTUAL PROPERTY HOLDINGS, LLC

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir,

JHO Intellectual Property Holding, LLC (herein, "JHO"), a Florida LLC with an address of 1600 N. Park Drive; Weston, FL 33326, by and through its undersigned counsel, hereby submits a Motion to Substitute in Cancellation No. 92074922 as the defendant, pursuant to TBMP § 512.01. As shown in attached Exhibit A, JHO purchased the subject marks in this Cancellation, i.e., Registration Nos. 4,744,797; 4,744,798; 4,929,022; and 4,929,023. JHO filed the attached recordation of assignment with the Assignment Recordation Branch on October 9, 2020. When the assignment is recorded after the commencement of a cancellation, the assignee may substitute when the plaintiff raises no objection. *See TBMP § 512.01.* Plaintiff, SD Import, LLC, through its counsel on October 13, 2020, granted JHO permission to substitute. In view of the assignment, JHO has a real and legitimate interest in the proceedings and respectfully requests leave to substitute.

By:

Gideon B. Eckhouse
Chief IP Counsel
Vital Pharmaceuticals, Inc.
1600 N. Park Drive
Weston, FL 33326

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Motion to Substitute has been served on all parties by forwarding said copy on October 14, 2020, via electronic mail:

To SD Import, LLC:
Arnold S. Weintraub
The Weintraub Group PLC
24901 Northwestern Hwy., Suite 311
Southfield, MI 48075
ipdocket@weintraubgroup.com, aweintraub@weintraubgroup.com, dphillips@weintraubgroup.com
Phone: 248-809-2005

To Bang Holdings Corp.:
Bang Holdings Corp.
1400 NE Miami Gardens Drive Suite 202
North Miami Beach, FL 33179
steveberke@gmail.com

Dated this 14th day of October

By:

Gideon B. Eckhouse
Chief IP Counsel
Vital Pharmaceuticals, Inc.
1600 N. Park Drive
Weston, FL 33326

Exhibit A

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Bang Holdings Corp.		10/02/2020	Corporation: COLORADO

RECEIVING PARTY DATA

Name:	JHO Intellectual Property Holdings, LLC
Street Address:	1600 N. Park Drive
City:	Weston
State/Country:	FLORIDA
Postal Code:	33326
Entity Type:	Limited Liability Company: FLORIDA

PROPERTY NUMBERS Total: 6

Property Type	Number	Word Mark
Registration Number:	4744797	BANGVAPS
Registration Number:	4744798	BANGVAPORIZERS
Registration Number:	4929022	BANG
Registration Number:	4929023	BANG VAPOR
Registration Number:	4929024	BANG VAPOR CLUB
Registration Number:	5478227	BANG

CORRESPONDENCE DATA

Email: trademarks@bangenergy.com

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Correspondent Name: Gideon Eckhouse
Address Line 1: 1600 N. Park Drive
Address Line 4: Weston, FLORIDA 33326

NAME OF SUBMITTER:	Gideon Eckhouse
Signature:	/Gideon Eckhouse/
Date:	10/09/2020

Total Attachments: 2
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RECEIPT INFORMATION

ETAS ID:	TM602122
Receipt Date:	10/09/2020
Fee Amount:	$165

CONFIRMATORY ASSIGNMENT OF TRADEMARKS

This Confirmatory Assignment of Trademarks is made as of October 2, 2020, by and among Bang Holdings Corp., a Colorado corporation having a principal place of business at 1400 NE Miami Gardens Drive, Suite 202; North Miami Beach, Florida 333179 ("Seller") and JHO Intellectual Property Holdings, LLC, a Florida Limited Liability Company having a principal place of business at 1600 N. Park Drive; Weston, Florida 33326 ("Buyer").

Whereas, Seller owns the trademarks shown on the attached Schedule, and the goodwill of the business in connection therewith (the "Trademarks").

Whereas, Buyer desires to purchase and acquire, and Seller desires to sell, assign and transfer to Buyer, the Trademarks.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, Seller hereby sells, assigns and transfers to Buyer all of Seller's right, title and interest in and to the Trademarks and all of Seller's right, title and interest in and to any and all claims and demands it may have, at law or in equity, for past infringement of the Trademarks.

This Confirmatory Assignment of Trademarks is made pursuant to that certain Trademark Purchase Agreement by and among Seller and Buyer dated as of October _____, 2020 (the "Agreement"). To the extent of any conflict between the terms of this Confirmatory Assignment of Trademarks and the Agreement, the terms of the Agreement will prevail and control.

In witness whereof, the parties have caused this Confirmatory Assignment of Trademarks to be executed by their duly authorized representatives as of the date written above.

Bang Holdings Corp.	JHO Intellectual Property Holdings, LLC
By: _____	By: _____
Name: Steve Berke	Name: John H. Owoc
Title: President	Title: CEO & CSO

SCHEDULE OF TRADEMARKS

Trademark	Registration/Application No.	Registration Date
BANGVAPS	4,744,797	May 26, 2015
BANGVAPORIZERS	4,744,798	May 26, 2015
BANG	4,929,022	March 29, 2016
BANG VAPOR	4,929,023	March 29, 2016
BANG VAPOR CLUB	4,929,024	March 29, 2016
BANG (and design)	5,478,227	May 29, 2018