

ESTTA Tracking number: **ESTTA1223127**

Filing date: **07/20/2022**

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

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| Proceeding no. | 92075486 |
| Party | Defendant Hsp Epi Acquisition, LLC dba Entertainment |
| Correspondence address | ASHLEY N KLEIN MORRIS MANNING & MARTIN LLP 1600 ATLANTA FINANCIAL CENTER 3343 PEACHTREE ROAD NE ATLANTA, GA 30326 UNITED STATES Primary email: ipdocket@mmmlaw.com Secondary email(s): aklein@mmmlaw.com 404-233-7000 |
| Submission | Motion to Amend Registration (Requires a Fee and a Declaration) |
| Filer's name | Ashley N. Klein |
| Filer's email | ipdocket@mmmlaw.com, aklein@mmmlaw.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. /Ashley N. Klein/ |
| Date | 07/20/2022 |
| Attachments | Consented Motion to Amend -- Dining Advantage.pdf(219973 bytes) |

Registration subject to the submission

| | | | |
|------------------|--|-------------------|------------|
| Registration no. | 4286631 | Registration date | 02/05/2013 |
| Register | Principal | | |
| Registrant | HSP EPI ACQUISITION, LLC 1401 CROOKS ROAD, SUITE 150 TROY, MI 48084 UNITED STATES | | |

Goods/services subject to the submission

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| <p>Class 016. First Use: Jan 2012 First Use In Commerce: Jan 2012 All goods and services in the class are requested, namely: Non-magnetically encoded printed coupon and discount cards all which entitle the holder to receive discounts on dining, hotel accommodations, consumer merchandise, travel, movies, sports, theater, and other leisure activities sold separately or as part of a unit</p> |
| <p>Class 035. First Use: Jan 2012 First Use In Commerce: Jan 2012 All goods and services in the class are requested, namely: Advertising and promotional services, namely, promoting the goods and services of others through the distribution of coupons, and discount offers which entitle the holder to receive discounts on dining, hotel accommodations, consumer merchandise, travel, movies, sports, theater and other leisure activities; Providing advertising service through the distribution of advertisements, coupons and discount offers for display on Internet, namely, in websites, e-mails and multimedia messages; Providing via on-line computer services a</p> |

membership program entitling the participants to receive discounts on dining, hotel accommodations, consumer merchandise, travel, movies, sports, theater and other leisure activities, and providing in connection therewith an on-line directory of information about the discount program and participating businesses

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

In re the matter of:

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|---|
| Application Serial No.: 88/417,283 Filed: May 6, 2019 Mark:  |
| Application Serial No.: 88/417,301 Filed: May 6, 2019 Mark:  |
| Registration No. 4,286,631 Registered: February 5, 2013 Mark: DININGADVANTAGE.COM |

American Airlines, Inc. and AAdvantage)
Loyalty IP Ltd.)
)
Opposer/Petitioner,)
)
v.)
)
HSP EPI Acquisition, LLC,)
)
Applicant/Registrant.)
_____)

Opposition No. 91251601
Cancellation No. 92075486

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

CONSENTED MOTION TO AMEND RECITATION OF GOODS AND SERVICES AND
CONDITIONAL WITHDRAWAL OF OPPOSITION AND CANCELLATION
PROCEEDING WITH PREJUDICE

Applicant, HSP EPI Acquisition, LLC (hereinafter, "Applicant") requests that the identification of goods and services covered by U.S. Application Nos. 88/417,283 and 88/417,301, and U.S. Registration No. 4,286,631 be amended as follows (additions shown in underline, deletions shown in ~~strikethrough~~):

Class 16 (Amend): Non-magnetically encoded printed coupon and discount cards all which entitle the holder to receive discounts on dining, ~~hotel accommodations~~, consumer merchandise, ~~travel~~, movies, sports, theater, and other leisure activities sold separately or as part of a unit; the foregoing goods specifically excluding discounts relating to transportation services, transport and transfer services for passengers and cargo, hotel accommodations, and vehicle reservation services.

Class 35 (Amend): Advertising and promotional services, namely, promoting the goods and services of others through the distribution of coupons, and discount offers which entitle the holder to receive discounts on dining, ~~hotel accommodations~~, consumer merchandise, ~~travel~~, movies, sports, theater and other leisure activities; Providing advertising service through the distribution of advertisements, coupons and discount offers for display on Internet, namely, in websites, e-mails and multimedia messages; Providing via on-line computer services a membership program entitling the participants to receive discounts on dining, ~~hotel accommodations~~, consumer merchandise, ~~travel~~, movies, sports, theater and other leisure activities, and providing in connection therewith an on-line directory of information about the discount program and participating businesses; the foregoing services specifically excluding discount offers relating to transportation services, transport and transfer services for passengers and cargo, hotel accommodations, and vehicle reservation services.

Subject to and conditioned on the acceptance of the foregoing amendments by the U.S. Patent and Trademark Office for U.S. Application Nos. 88/417,283 and 88/417,301, and U.S. Registration No. 4,286,631, Opposer American Airlines, Inc. and AAdvantage Loyalty IP Ltd. (collectively, "Opposer"), with Applicant's consent, withdraws Opposition No. 91251601 and Cancellation No. 92075486 with prejudice, and Applicant, with Opposer's consent, hereby withdraws its counterclaims in Cancellation No. 92075486 with prejudice.

Dated: July 20, 2022

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

/Ashley N. Klein/

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Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CONSENTED MOTION TO AMEND RECITATION OF GOODS AND SERVICES AND CONDITIONAL WITHDRAWAL OF OPPOSITION AND CANCELLATION PROCEEDING WITH PREJUDICE** has been served on Opposer's attorney of record by e-mailing said copy on July 20, 2022 to:

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Dated: July 20, 2022

/Ashley N. Klein/
Ashley N. Klein
Attorney for Applicant