

ESTTA Tracking number: **ESTTA1127250**

Filing date: **04/15/2021**

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

Proceeding	92076341
Party	Plaintiff Joseph A. Hollingsworth Jr.
Correspondence Address	MICHAEL E. ROBINSON ROBINSON IP LAW, PLLC 9724 KINGSTON PIKE, SUITE 1102 KNOXVILLE, TN 37922 UNITED STATES Primary Email: docketing@robinsoniplaw.com Secondary Email(s): rrobinson@robinsoniplaw.com 865-978-6480
Submission	Motion to Join/Substitute Party
Filer's Name	Michael E. Robinson
Filer's email	docketing@robinsoniplaw.com , rrobinson@robinsoniplaw.com
Signature	/michael e robinson/
Date	04/15/2021
Attachments	03367-20210415-tottab-Motion_to_add_party_petitioner.pdf(956393 bytes)

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

Joseph A. Hollingsworth, Jr.,)	
)	
Petitioner,)	Cancellation No. 92076341
v.)	Reg. No. 4,899,551
)	
Kentucky Peerless Distilling Company, LLC,)	
)	
Registrant.)	

**PETITIONER’S MOTION TO JOIN ASPIRE FOUNDATION
AS PARTY PETITIONER**

The current named Petitioner, Joseph A. Hollingsworth, Jr., pursuant to TBMP § 512.01 and Rules 17 and 19 of the Federal Rules of Civil Procedure, respectfully moves this Honorable Board to join the entity Aspire Foundation as a co-petitioner in this case by reason of an assignment from Mr. Hollingsworth of all of his right, title, and interest in and to the subject U.S. Trademark Application Serial Number 90/085,919 (“the ‘919 Application’”) and U.S. Trademark Application Serial Number 90/197,288 (“the ‘288 Application’”) applications and marks sought to be registered therein, wherein such assignment has been duly recorded with the USPTO.

In support of his motion, Petitioner hereby demonstrates that Aspire Foundation, a Tennessee non-profit corporation, acquired, as of at least April 8, 2021, by way of the attached written assignment, all right, title, and interest including any applicable goodwill of the currently named Petitioner, in and to the trademarks applied for in the ‘919 Application and the ‘288 Application. The fully executed assignment has been recorded on April 9, 2021 at Reel and Frame number 7251 / 0418 as confirmed by the Notice of Recordation issued by the USPTO on April 14, 2021, which is being submitted herewith. Since the aforesaid assignment was executed, Aspire Foundation has been the real party in interest in the ‘919 Application, the ‘288 Application, and

this proceeding, and this matter should therefore proceed in the name of both the original Petitioner, Mr. Hollingsworth, and Aspire Foundation pursuant to TBMP § 512.01 and Rules 17 and 19 of the Federal Rules of Civil Procedure.

For the reasons set forth above, Petitioner respectfully requests that this Board issue an order joining Aspire Foundation as the Party of Petitioner in this proceeding along with Mr. Hollingsworth based on the assignment and other information provided herewith.

Respectfully submitted,

ROBINSON IP LAW, PLLC

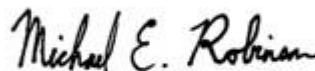
Date: April 15, 2021

By: Michael E. Robinson

Michael E. Robinson, Reg. No. 58,947
Matthew M. Googe, Reg. No. 66,985
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Knoxville, TN 37922
P: (865) 978-6480
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Attorneys for Petitioner

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached PETITIONER’S MOTION TO JOIN ASPIRE FOUNDATION AS PARTY PETITIONER was filed electronically with the Trademark Trial and Appeal Board on April 15, 2021.

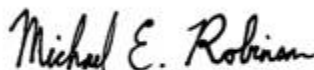


Michael E. Robinson

CERTIFICATE OF SERVICE

I hereby certify that a copy of this PETITIONER’S MOTION TO JOIN ASPIRE FOUNDATION AS PARTY PETITIONER is being served by electronic mail to the following address on April 15, 2021, such being the attorney of record address listed in the TSDR system as of this date:


JACK A. WHEAT
McBRAYER PLLC
500 W Jefferson Street, Suite 2400
Louisville, Kentucky 40202
jwheat@mcbayerfirm.com



Michael E. Robinson

**ASSIGNMENT OF MARKS AND
APPLICATIONS FOR REGISTRATION THEREOF**

WHEREAS, Joseph A. Hollingsworth, Jr., an individual resident of the state of Tennessee having an address at Two Center Plaza, Clinton, Tennessee 37716 (hereinafter “Assignor”), has filed applications in the United States Patent & Trademark Office to register the below listed marks (hereinafter, the “Marks”):

<p><u>Serial Number:</u> 90085919</p> <p><u>Filing Date:</u> July 31, 2020</p> <p><u>Mark:</u> GIT’N LUCKY MOONSHINE</p>	<p><u>Goods:</u> Beverage glassware in class 21; Hats and shirts in class 25; and alcoholic beverages except beers in class 33</p>
<p><u>Serial Number:</u> 90197288</p> <p><u>Filing Date:</u> September 21, 2020</p> <p><u>Mark:</u></p> 	<p><u>Goods:</u> Beverage glassware in class 21; Hats and shirts in class 25; and alcoholic beverages except beers in class 33</p>

WHEREAS, Aspire Foundation, a Tennessee non-profit corporation, with an address at Two Center Plaza, Clinton, Tennessee 37716 (hereinafter “Assignee”), is desirous of

acquiring all of Assignor's rights in said Marks and the above-identified applications for registration of the same;

WHEREAS, Assignee is a successor to rights and interests of Assignor including assets associated with the Marks and associated applications and that portion of the business to which the Marks and applications pertain;

WHEREAS, Assignor is the primary sponsor of Assignee and the recreational park services provided or to be provided by Assignee at a recreational park ("the Recreational Park");

WHEREAS, Assignee and its Recreational Park will benefit surrounding geographic areas including the city of Clinton, Tennessee;

WHEREAS, the Recreational Park provided or to be provided by Assignee will be the largest recreational park in a city the size of Clinton, Tennessee in the southeastern United States; and

WHEREAS, the goods provided for sale under the Marks described above will be sold to financially assist and support the Recreational Park;

NOW, THEREFORE, in consideration of \$10.00 in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor has assigned and hereby does assign unto Assignee all of Assignor's right, title and interest in and to the above identified Marks and applications for registration of the Marks, together with that portion of Assignor's business pertaining to the Marks, the goodwill associated therewith, and all rights of action for infringement thereof.

The Commissioner of Patents & Trademarks is requested to issue the certificate of registrations for the marks of the applications to Aspire Foundation.

Date: 4/8/21

Joseph A. Hollingsworth, Jr.
Joseph A. Hollingsworth, Jr.

STATE OF TENNESSEE)
COUNTY OF ANDERSON) ss

Before me, a notary public of the state and county mentioned, personally appeared Joseph A. Hollingsworth, Jr. with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purpose therein contained.

5 day of APRIL, 2021. WITNESS my hand and seal, at office in CLINTON, Tennessee this



Paula S. McQueen
Notary Public

My commission expires: 10/28/23



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 14, 2021

PTAS

ROBINSON IP LAW, PLLC
9724 KINGSTON PIKE, SUITE 1102
KNOXVILLE, TN 37922

900608403

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT RECORDATION BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE ASSIGNMENT RECORDATION BRANCH AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT RECORDATION BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 04/09/2021

REEL/FRAME: 7251/0418
NUMBER OF PAGES: 4

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 00.03366.0816

ASSIGNOR:

HOLLINGSWORTH, JOSEPH A., JR.

DOC DATE: 04/08/2021

CITIZENSHIP: NONE

ENTITY: INDIVIDUAL

ASSIGNEE:

ASPIRE FOUNDATION

CITIZENSHIP: TENNESSEE

ENTITY: NON-PROFIT CORPORATION

TWO CENTER PLAZA

CLINTON, TENNESSEE 37716

SERIAL NUMBER: 90085919

FILING DATE: 07/31/2020

REGISTRATION NUMBER:

REGISTRATION DATE:

MARK: GIT'N LUCKY MOONSHINE

DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 90197288

FILING DATE: 09/21/2020

REGISTRATION NUMBER:

REGISTRATION DATE:

MARK: GIT'N LUCKY MOONSHINE

DRAWING TYPE: AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S) / LETTER(S)
/NUMBER(S)

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION