

ESTTA Tracking number: **ESTTA1304930**

Filing date: **08/21/2023**

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

Proceeding no.	92078340
Party	Defendant The Goodwood Estate Company Limited
Correspondence address	CRAIG S MENDE FROSS ZELNICK LEHRMAN & ZISSU PC 151 WEST 42ND ST 17TH FL NEW YORK, NY 10036 UNITED STATES Primary email: cmende@fzlz.com Secondary email(s): dnuzzaci@fzlz.com, apolzon-docket@fzlz.com, ttabfiling@fzlz.com 212-813-5900
Submission	Other Motions/Submissions
Filer's name	Daniel M. Nuzzaci
Filer's email	dnuzzaci@fzlz.com, apolzon-docket@fzlz.com, ttabfiling@fzlz.com
Signature	/Daniel M. Nuzzaci/
Date	08/21/2023
Attachments	F5229054.pdf(160296 bytes)

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

FESTIVALS OF SPEED, LLC,

Petitioner,

-against-

THE GOODWOOD ESTATE COMPANY
LIMITED,

Registrant.

Cancellation No. 92078340

**JOINT MOTION TO (A) VOLUNTARILY SURRENDER REGISTRATION
NO. 6132392; (B) PERMIT POST-PUBLICATION AMENDMENTS TO
REGISTRATION NO. 5557758; (C) SUSPEND PROCEEDINGS; AND
(D) DISMISS CANCELLATION CONDITIONED UPON ENTRY OF THE
VOLUNTARY SURRENDER AND POST-PUBLICATION AMENDMENTS**

The Goodwood Estate Company Limited (“Registrant”) and Festivals of Speed, LLC (“Petitioner”) hereby file this joint motion to (a) voluntarily surrender Registrant’s U.S. Registration No. 6132392 without prejudice; (b) permit post-publication amendments to the identification of goods and services in Registrant’s U.S. Registration No. 5557758; (c) suspend the cancellation proceeding pending the Board’s review and resolution of the voluntary surrender and proposed amendments; and (d) dismiss the cancellation proceeding without prejudice conditioned upon the Board’s acceptance and entry of the voluntary surrender and post-publication amendments.

First, Registrant – with the consent of Petitioner, and conditioned upon approval of the other relief sought herein – hereby voluntarily surrenders U.S. Registration No. 6132392 for the mark FESTIVAL OF SPEED & Design without prejudice. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 602.02(a)

Second, Registrant – with the consent of Petitioner, and conditioned upon approval of the other relief sought herein – hereby requests that the identification of goods and services in U.S.

Registration No. 5557758 be amended as follows:

Class	Proposed Amendments to Goods and Services
9	Downloadable electronic publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank recording discs; blank carriers and storage media, namely, records, circuits, discs, wires, tapes, film, cassettes, cartridges, fibres, and cards, bearing or for use in bearing sound, video, data, images, recordings, games, graphics, text, programs, or information; software and programs and downloadable programs and computer programs for use in entertainment, training, and education, in the nature of online classes in the fields of motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; electronic sports training and activity simulators; vehicle drive training and flight simulators; downloadable publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the Internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports; <u>all of the foregoing relating to or to promote automobile racing and exhibition events held outside the U.S.</u> , golfing, horse racing, country estate leisure pursuits, and historic buildings; virtual reality systems, comprising virtual reality software for playing computer games, virtual reality headsets, virtual reality glasses; computer chips; time and date stamping machines; parts and fittings for all the aforesaid goods
25	Clothing, namely, robes, coats, gloves, shoes, headbands, neckties, overalls, overcoats, pants, scarves, shirts, skirts, sweaters; footwear; headwear, namely, hats and caps all for use in sports and leisure pursuits; mountaineering boot liners; <u>all of the foregoing relating to or to promote automobile racing and exhibition events held outside the U.S.</u>
35	Advertising and promotion of educational, cultural, and entertainment events, namely, motorsports events <u>held outside the U.S.</u> , golfing events, horse racing events, country estate leisure pursuits events, and historic buildings events
41	Education services, namely, providing classes and seminars in the fields of social, political, and economic interest; providing of training in the field of motorsports; entertainment services in the nature of horse shows and racing, motor vehicle driving exhibitions, motor racing exhibitions, air shows, flying competitions; organizing sporting and cultural activities for education or entertainment purposes, namely, motorsports, horse racing, country estate leisure pursuits, and historic buildings events; training in the field of motorsports; providing facilities for holding sports events, festivals, and concerts; movie and film production services and television production services; provision of recreational and sporting facilities; publishing of

Class	Proposed Amendments to Goods and Services
	<p>books and magazines; entertainment services in the nature of personal appearances by movie stars and sports celebrities; organization and arrangement of events for entertainment purposes, namely, sporting events, races, sports competitions, shows, game shows, award ceremonies, sports tournaments, awards ceremonies, photography, motor racing and flying contests, art festivals, art galas, parties, dances, balls, sports meets, concerts, recitals, roadshows, displays for entertainment, art and food fairs, musical performances; organizing cultural, entertainment, and recreation services in the nature of horse shows and racing, motor vehicle driving exhibitions, motor racing exhibitions, air shows, flying competitions; organizing entertainment, cultural, and educational club services in the nature of horse shows and racing, motor vehicle driving exhibitions, air shows, flying competitions; holiday camp services in the nature of sports or entertainment services, namely, horse shows and racing, motor vehicle driving exhibitions, motor racing exhibitions, air shows, flying competitions; operating lotteries and raffles; booking seats for entertainment events and shows; providing games via the Internet and computer networks; news syndication reporting; <u>all of the foregoing relating to or to promote automobile racing and exhibition events held outside the U.S.</u>; educational services in the nature of classes in outdoor education in the fields of horse shows and racing, motor vehicle driving and racing, air shows, flying competitions; offering racing circuits and race tracks for lease, hire, or rent; provision of race, racing, and show facilities; arranging the rental, hire, and leasing of educational, training, cultural, entertainment and sporting equipment, services and facilities for use in education, training, cultural, entertainment and sporting events and activities, namely, motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; information, advice, and consultancy relating to the aforesaid</p>

Because the proposed amendments to the identification of goods and services are in the nature of “restricting or deleting items in the existing identification,” no re-publication is necessary and the amendments therefore should be permissible. *See* Trademark Manual of Examining Procedure (“TMEP”) § 1505.02(a) (emphasis added); *see also* TBMP § 602.02(a)

Third, the parties jointly move to suspend this cancellation proceeding pending review of the voluntary surrender and proposed amendments.

Finally, Petitioner – with the consent of Applicant – hereby requests that this cancellation proceeding be dismissed without prejudice conditioned upon the approval and subsequent entry by the Board of the voluntary surrender and proposed amendments.

Dated: August 21, 2023

LawUS

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /s/ Donald J. Schutz
Donald J. Schutz (*don@lawus.com*)

535 Central Avenue
St. Petersburg, Florida 33701
Telephone: (727) 823-3222

*Attorneys for Petitioner Festivals of
Speed, LLC*

By: /s/ Daniel M. Nuzzaci
Craig S. Mende (*cmende@fzlj.com*)
Daniel M. Nuzzaci (*dnuzzaci@fzlj.com*)

151 West 42nd Street, 17th Floor
New York, New York 10036
Telephone: (212) 813-5900

*Attorneys for Registrant The Goodwood Estate
Company Limited*

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August 2023, I caused a true and correct copy of the foregoing **JOINT MOTION TO (A) VOLUNTARILY SURRENDER REGISTRATION NO. 6132392; (B) PERMIT POST-PUBLICATION AMENDMENTS TO REGISTRATION NO. 5557758; (C) SUSPEND PROCEEDINGS; AND (D) DISMISS CANCELLATION CONDITIONED UPON ENTRY OF THE VOLUNTARY SURRENDER AND POST-PUBLICATION AMENDMENTS** to be sent by email to Petitioner's counsel of record at the following email addresses: *don@lawus.com* and *donschutz@netscape.net*.

/s/ Daniel M. Nuzzaci
Daniel M. Nuzzaci