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

Proceeding	91166639
Party	Plaintiff Kidsart, Inc.
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Submission	Response to Board Order/Inquiry
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KIDSART, INC. :
Opposer :
v. : Opposition No. 91166639
KIDZART TEXAS, LLC : Cancellation No. 92045114
Applicant :

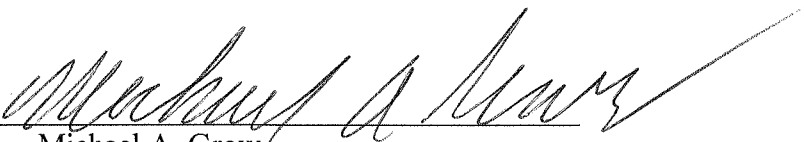
RESPONSE TO BOARD ORDER

In response to the Board's order of April 9, 2010, attached is a certified copy of the consent judgment entered in *Kidsart, Inc. v. Kidzart Texas, LLC*, Civil Action No. CV08-185, in the United States District Court for the Central District of California.

In view of the foregoing, Registration No. 2491627 should be cancelled, and the applications at issue should be restricted in accordance with the court's order.

KIDSART, INC.

By



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April 15, 2010

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing is being served on Applicant's counsel Maria Crimi Speth at Jaburg & Wilk, PC, Suite 2000, 3200 North Central Avenue, Phoenix, Arizona 85012 by first class mail, postage prepaid on April 15, 2010.



Michael J. Speth

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12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15
 16 **KIDSART, INC.**
 a California Corporation,
 17 Plaintiff,

18 v.

19 **KIDZART TEXAS, LLC**, a
 20 Nevada Corporation,
 21 Defendant.

Case No. CV08-6185 PA (SSx)

CONSENT JUDGMENT

NOTE: CHANGES MADE BY THE COURT

1 The parties, having (i) entered into a settlement agreement resolving this
2 dispute and (ii) jointly moved for entry of this Consent Judgment terminating this
3 proceeding, and for good cause shown, it is hereby ORDERED, ADJUDGED,
4 AND DECREED that:

5 1. This Court has jurisdiction over the subject matter of this action
6 under § 39 of the Trademark Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331,
7 1332, 1338 and 1367.

8 2. Plaintiff KidsArt, Inc. ("KidsArt") is a corporation organized
9 and existing under the laws of California with a place of business in La Crescenta,
10 California and with a trade area that includes the following 10 counties in Southern
11 California: San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los
12 Angeles, Orange, Riverside, San Diego and Imperial (the "KidsArt Trade Area").

13 3. Defendant KidzArt Texas, LLC ("KidzArt") is a corporation
14 organized and existing under the laws of the State of Nevada with a place of
15 business in New Braunfels, Texas 78130 and with a trade area that includes all of
16 the United States except for the 10 counties in Southern California: San Luis
17 Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange,
18 Riverside, San Diego and Imperial. (the KidzArt Trade Area).

19 4. Pursuant to 15 U.S.C. § 1119, this Court hereby declares that
20 KidsArt is the owner of all right, title, and interest in and to the trademark or
21 service mark KIDSART in connection with its goods and services including
22 educational services in the nature of art schools and conducting classes and
23 workshops in the field of art; and the KIDSART mark is valid and has acquired
24 secondary meaning through many years of substantially exclusive and continuous
25 use in the KidsArt Trade Area.

26 ///

27 ///

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