

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Belstone Capital LLC, a Delaware limited liability company,
Plaintiff,

vs.

Bellstone Partners, LLC., a California limited liability company; Bellstone Commercial, Inc., a California corporation, and BellstoneShares, LLC, a California limited liability company,
Defendants.

Case No.: 2:16-CV-01124-KJM-GGH

ORDER DIRECTING THE U.S. PATENT AND TRADEMARK OFFICE TO AMEND A TRADEMARK REGISTRATION

This Declaratory Judgment action asks the Court to determine and declare the rights of the parties to own, use, and federally register certain trademarks. Dkt. 44.

The Parties have concluded there has not been any confusion in any marketplace in the United States during the Parties' seven year concurrent use of their respective trademarks and that likelihood of confusion in the future is improbable given that they offer unrelated services to different sets of consumers operating within different marketplaces. Dkt. 47.

The Parties have settled this action and provided the Court with their trademark Consent To Use Agreement. *Id.* As marketplace participants, the Parties are best positioned to know whether their respective consumers will likely be confused in light of the concurrent use of their respective trademarks and the limitations that should be placed on any registration for any such mark. *Application of El DuPont DeNemours & Co.*, 476 F. 2d 1357, 1362-63 (CCPA, 1973); *In re Four Seasons Hotels Ltd.*, 987 F. 2d 1565 (Fed.Cir.1993).

1 The Parties have filed a Stipulation and Joint Request for an Order Directing the
2 U.S. Patent and Trademark Office to amend Defendant Bellstone Partners, LLC's
3 Trademark Registration No. 3828103. Dkt. 47.

4 In any action involving a registered trademark the Court has the authority to rectify
5 the register with respect to the registrations of any party to the action. 15 U.S.C. §1119.

6 The Parties' Stipulation and Joint Request is, therefore, GRANTED.

7 THEREFORE, the Commissioner of the Trademark Office is hereby directed to
8 rectify the trademark register by amending the description of goods and services in
9 Trademark Registration No. 3828103 to read: "Lending consultant services in the field of
10 real estate data analysis, real estate markets and projects, real estate finance, real
11 estate investments, real estate agency services, and mortgage banking."

12 The Clerk of the Court is hereby directed to notify the Director of the United States
13 Patent and Trademark Office of this Judgment, which concerns U.S. Trademark
14 Registration No. 3828103 held by Bellstone Partners, LLC.

15 IT IS SO ORDERED.

16 Dated: June 27, 2017.

17 
18 _____
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28