

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re registration of:
Weissman's Theatrical Supplies, Inc.

Reg. No.: 2561750

Registered: April 16, 2002

For: CURTAIN CALL COSTUMES

Declaration of Excusable Nonuse

Weissman's Theatrical Supplies, Inc., through the undersigned, hereby declares as follows:

1. Weissman's Theatrical Supplies, Inc. ("Weissman") is the owner of U.S. Registration No. 2561750 for the mark CURTAIN CALL COSTUMES (the "Registered Mark") for *mail order catalog services and computerized on-line retail services, both featuring apparel for dancers, majorettes, cheerleaders and parade performance units* (the "Registered Services").
2. The Registered Mark is currently not in use in United States commerce; however, such nonuse is an excusable nonuse due to special circumstances that are not due to an intention by Weissman to abandon the Registered Mark.
3. Upon information and belief, Perform Group, LLC, the prior owner of the Registered Mark, used the Registered Mark for the Registered Services in the past, but stopped use of the Registered Mark on or before June 4, 2021, when it ceased operations.
4. Perform Group, LLC filed Chapter 7 bankruptcy in June 2021, and Steven M. Carr was appointed as the Chapter 7 bankruptcy trustee and was authorized to sell Perform Group, LLC's assets. Weissman bid on and purchased certain of Perform Group, LLC's assets, including the Registered Mark. The Registered Mark was thus assigned to Weissman by Steven M. Carr, as trustee, in an Intellectual Property Assignment dated October 4, 2021. Additional details regarding the acquisition are available in the court order and assignment submitted to the Trademark Office to update the chain of title for the Registered Mark; they are available at Reel Frame 7486/0001 and Reel/Frame 7520/0811.
5. In connection with the bankruptcy proceeding, Weissman acquired Perform Group, LLC's brands, trademarks, client lists, website domain names, copyrights, and finished goods inventory, subject only to certain exceptions.
6. Due to the complexities of acquiring intellectual property and other assets of Perform Group, LLC through the bankruptcy proceeding, Weissman has developed a multi-year timeline to develop the brands and associated products and services. Weissman anticipates that it will likely begin use of the Registered Mark with the Registered Services around 2023-2024.
7. Weissman is actively and currently working on the development of the acquired brands, including the development of the Registered Mark and goods and services to be offered

in connection such brands. However, brand, product and service development take time. The delay is through no fault of Weissman, but because of the complexities of acquiring the assets of a business from a bankruptcy proceeding.

8. Weissman has no intention to abandon the Registered Mark, but is currently and actively developing its business plan to offer the Registered Services in United States commerce in connection with the Registered Mark.

Weissman hereby requests that the Section 8 declaration be accepted.

April 18, 2022

Date



Signature

Claudia S. Reed

Name

CVP

Title