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

Proceeding	85760361
Applicant	Moustache, Inc.
Applied for Mark	MOUSTACHE
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Submission	Motion to Reinstate and Suspend the Present Appeal
Attachments	Motion_to_Reinstate_and_Suspend_Appeal.pdf(41647 bytes )
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Date	02/25/2015



owned by Figaro's Italian Pizza, Inc. ("Figaro's"). This is the only outstanding refusal of the present application.

Applicant filed Cancellation No. 92/060,742 against the '577 Registration on January 23, 2015 based on Appellant's use of the mark MOUSTACHE prior to Figaro's earliest use of the mark in the '577 Registration. This Cancellation is currently pending.

Applicant and Figaro's have reached an agreement wherein Figaro's consents to Applicant's use of the mark MOUSTACHE and agrees that no likelihood of confusion exists between Applicant's mark MOUSTACHE and the moustache design in the '577 Registration. Applicant and Figaro's are in the process of executing a consent agreement to this effect and will be filing a copy thereof with the U.S. Patent and Trademark Office shortly. In conjunction therewith, Applicant and Figaro's are also finalizing a settlement agreement with respect to Cancellation No. 92/060,742.

Applicant respectfully submits that based on the agreement between Applicant and Figaro's, there is no likelihood of confusion between the present application and The '577 Registration and that there is no further bar to registration of the present application.

Applicant respectfully requests that this Board reinstate and suspend this Appeal and return jurisdiction to Examiner to consider the forthcoming consent agreement.

Respectfully submitted,

VEDDER PRICE P.C.

          /angelo bufalino/            
Angelo J. Bufalino

Reg. No. 29,622

Dated: February 25, 2015

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