



TTAB

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September 20, 2006



09-22-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451-3513  
MAIL STOP TTAB NO FEE

Re: **Opposition No. 99172696**  
Consented Request to Amend Subject Application Without Prejudice for  
ZENSUAL & Design  
Serial No. 78/770,770

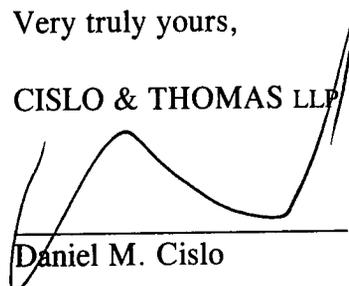
Dear Sir:

Enclosed herewith please find a Consented Request to Amend Subject Application Without Prejudice Pursuant to 37 CFR §2.133(a), and Amendment of Trademark Application and Withdrawal of Opposition and Consent Thereto for the above referenced opposition. Kindly acknowledge receipt thereof by returning the enclosed postcard.

It is our belief that no fees are due at this time, however, any fees which may be required may be charged to our deposit account no. 03-2030.

Very truly yours,

CISLO & THOMAS LLP

  
Daniel M. Cislo

DMC/rl

Enclosures

Consented Request to Amend Subject Application Without Prejudice  
Certificate of First Class Mail  
Acknowledgement Postcard

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

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**IN THE MATTER OF APPLICATION SERIAL NO. 78/770,770  
PUBLISHED IN THE OFFICIAL GAZETTE ON AUGUST 8, 2006**

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SHISEIDO COMPANY LTD.,

OPPOSER,

vs.

DAVID S. EVEY,

APPLICANT.

---

) **OPPOSITION NO. 91172696**

)

)

) **CONSENTED REQUEST TO AMEND**

) **SUBJECT APPLICATION PURSUANT**

) **TO 37 C.F.R. §2.133(a)**

)

)

)

)

)

Dear Sir/Madam:

Please amend without prejudice the above-identified application as follows:

**Description of Goods:**

Applicant respectfully requests Examiner amend the application by deleting International Class 003 for, "personal care products, namely, shower and bath gel, hand and body and face lotion, hand and body face soap, and bath salts" from the underlying application's identification and classifications of goods.

**REMARKS**

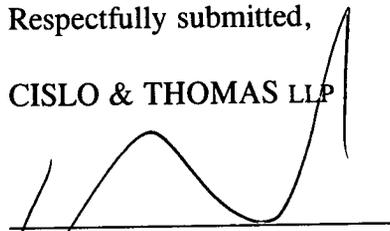
Without acquiescing to the grounds of the opposition, this amendment is sought to resolve the instant opposition and is made without prejudice. Pursuant to 37 CFR §2.133(a) and TBMP §514.02, Opposer has consented to the requested amendment to the description of goods as set forth herein (see, concurrently-filed AMENDMENT OF TRADEMARK APPLICATION... AND WITHDRAWAL OF OPPOSITION).

If a telephone interview will advance entry of the amendment, Applicant requests the Trademark Attorney contact Applicant's representative at the number listed below.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examining Attorney is authorized to charge Applicant's attorney's deposit account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP



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Daniel M. Cislo  
Reg. No. 32,973

Date: September 20<sup>th</sup>, 2006

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401-1211  
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Z:\TMDocs\04-13502\Consented Request to Amend Application Without Prejudice.DOC

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

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**IN THE MATTER OF APPLICATION SERIAL NO. 78/770,770  
PUBLISHED IN THE OFFICIAL GAZETTE ON AUGUST 8, 2006**

---

SHISEIDO COMPANY LTD.,	)	OPPOSITION NO. 91172696
	)	
OPPOSER,	)	
vs.	)	AMENDMENT OF TRADEMARK
	)	APPLICATION PURSUANT TO TEMP
DAVID S. EVEY,	)	§514.02 AND WITHDRAWAL OF
	)	OPPOSITION
APPLICANT.	)	
	)	
	)	
	)	

Dear Sir/Madam:

In the above-identified trademark opposition, Applicant and Opposer have amicably resolved the dispute. As part of that resolution, Applicant has agreed to amend the subject trademark application and, upon entry of the amendment, Opposer has agreed to withdraw the opposition. In accordance therewith:

Applicant hereby requests that Applicant's trademark application serial no. 78/770,770 for the trademark ZENSUAL & Design be amended to amend the description of goods as set forth in the Consented Request to Amend, filed concurrently herewith, ("Amendment") and Shiseido Company, Ltd. hereby consents to the Amendment; and

The Opposer, Shiseido Company Ltd., hereby withdraws its opposition without prejudice upon the Board's entry of the Amendment.

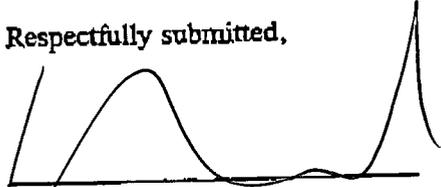
The Parties' request for amendment of the subject application complies with the requirements of TBMP §514.02 in that the above-referenced application is not the subject of other *inter partes* proceedings and the concurrently-filed consented amendment will not broaden the description of goods.

In view of the foregoing, both the Opposer and Applicant request that this Amendment of Trademark Application and Withdrawal of Opposition without prejudice be entered and made of record for the above-identified trademark and opposition proceeding.

Dated: September 15<sup>v</sup>, 2006

Respectfully submitted,

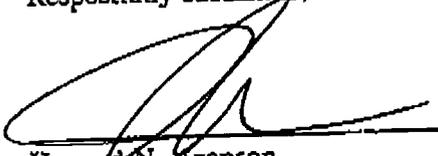
By:

  
Daniel M. Cislo, Esq.  
Cislo & Thomas, LLP  
Attorney for Applicant,  
DAVID S. EVEY

Dated: September 15, 2006

Respectfully submitted,

By:

  
Howard N. Aronson  
Lackebach Siegel, LLP  
Attorney for Opposer,  
SHISEIDO COMPANY LTD.

## CERTIFICATE OF SERVICE

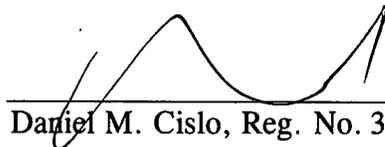
I hereby certify that one (1) copy of this document is being deposited with the United States Postal Service as First Class Mail, postage affixed, in an envelope addressed to:

Howard N. Aronson  
Lackebach Siegel LLP  
One Chase Road  
Lackebach Siegel Building  
Scardsdale, NY 10583

Dated: \_\_\_\_\_

9-20-06

By: \_\_\_\_\_

  
Daniel M. Cislo, Reg. No. 32,973

## CERTIFICATE OF MAILING

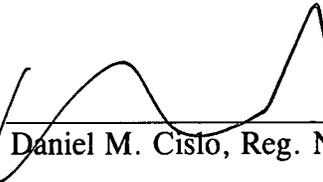
I hereby certify that the original and one (1) copy of this document is being deposited with the United States Postal Service as first class mail, postage affixed, on the date set forth below in an envelope addressed to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451  
ATTN: TTAB

Dated: \_\_\_\_\_

9-20-06

By: \_\_\_\_\_

  
Daniel M. Cislo, Reg. No. 32,973

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