

ESTTA Tracking number: **ESTTA420592**

Filing date: **07/19/2011**

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

Proceeding	91195527
Party	Defendant Alice Dendinger Alliance Group, L.L.C.
Correspondence Address	JUSTIN M WELCH BLAZIER CHRISTENSEN BIGELOW & VIRR PC 221 WEST 6TH STREET, SUITE 2000 AUSTIN, TX 78701 UNITED STATES jwelch@blazierlaw.com
Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	07/19/2011
Attachments	MOTION TO AMEND APPLICATION--signed.pdf (3 pages)(111962 bytes)

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

In re Application of: Alice Dendinger Alliance Group, L.L.C.

Serial No.: 76/697692.

Filed: June 1, 2009.

Mark: TIMELINE TRAINING.

Published for Opposition: April 27, 2010.

EVERETT W. JAMES,
Opposer,

v.

ALICE DENDINGER ALLIANCE GROUP, L.L.C.,
Applicant,

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OPPOSITION NUMBER:

91195527

**MOTION TO AMEND APPLICATION WITH
CONSENT OF OPPOSER**

COMES NOW, APPLICANT, Alice Dendinger Alliance Group, L.L.C. (“Dendinger”), and files this her Motion to Amend Application with Consent of Opposer, Everett W. James (“James”), and in support will show as follows:

1. Opposer and Applicant have reached a settlement of the opposition. The settlement agreement requires amendment of the Application’s services identification to limit its scope. Specifically, the current identification reads:

“Educational services, namely, lecturing, training, conducting classes, seminars, conferences and workshops in the field of employee development” in International Class 041.

The identification required by the settlement would read:

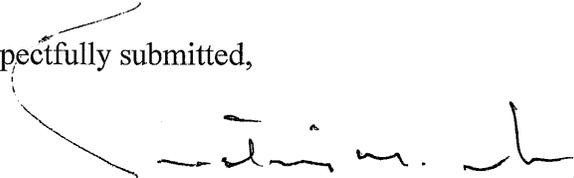
“Lecturing, training, conducting classes, seminars, conferences and workshops in the field of employee development, all offered or provided to employees only through their employers, and all excluding the field of personal self-improvement” in International Class 041.

2. As allowed by TBMP §514.01, *et. seq.*, the Applicant requests that, if appropriate, the amendment be entered into the application file and into the record for the Board proceeding, with instructions to the examining attorney that no republication is necessary because the amended identification is narrower in scope than the published identification, and there is no material difference in the nature of the goods or services.¹ Specifically, the proposed identification includes the same services, but limits their provision to employees through their employers, and not directly to individuals.

PRAYER

WHEREFORE, Applicant prays that the Motion be well taken and that the action requested be taken.

Respectfully submitted,

By: 

Justin M. Welch
State Bar No. 24003876
Attorney for Applicant

a member of the Firm of:

**BLAZIER, CHRISTENSEN, BIGELOW
& VIRR, P.C.**

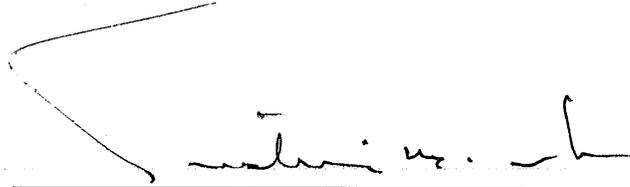
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¹ See TMEP §1505.03(b) (defining when republication is not required).

CERTIFICATE OF SERVICE

The undersigned represents that a true and correct copy of the foregoing document was transmitted to those individuals set forth below pursuant to TBMP 311.01(c) on this the 19th day of July, 2011, by electronic notification or in the manner so indicated.

Martin E. Hsia
Cades Cschutte, L.L.P.
1000 Bishop Street, Suite 1200
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Via facsimile to 808.540.5011



Justin M. Welch