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Filing date: **04/22/2014**

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

Proceeding	91207896
Party	Plaintiff Spin Concepts, Inc.
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Submission	Other Motions/Papers
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Signature	/Cheryl L. Burbach/
Date	04/22/2014
Attachments	Consent Mot to Amend Regist and Withdraw Proceeding (Exhibit A).pdf(87283 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Spin Concepts, Inc.)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. 91207896
)	
David Gwynn)	
)	
Applicant.)	

**CONSENT MOTION TO AMEND REGISTRATION AND WITHDRAW
OPPOSITION PROCEEDING CONTINGENT UPON ENTRY OF
AMENDMENT**

Pursuant to TBMP § 514.02 Opposer Spin Concepts, Inc., and Applicant, David Gwynn, (hereinafter collectively “the parties”) hereby jointly move for an Order from the Trademark Trial and Appeal Board (TTAB) granting: (i) the amendment to the identification of services in U.S. Trademark Application Serial No. 85/552310, specified herein, and (ii) withdrawal of the above-captioned opposition proceeding with prejudice, contingent upon grant and entry of the specified amendment. In support thereof, the parties state as follows:

1. Applicant is the owner of U.S. Application Serial No. 85/552310 (hereinafter “the Application”) for the mark “SO GOOD IT’LL MAKE YOUR HEAD SPIN” in International Class 043 for “restaurant services.”
2. The parties have entered into a Settlement Agreement, pursuant to which the respective parties have agreed, among other things, to move for an Order from the TTAB to amend (a) the identification of goods set forth in the Application.

3. The parties hereby request an Order from this Board that grants entry of the following amendment to the identification of goods set forth in Registrant's Registration: deletion of the current identification of goods and replacement with the following identification:

“Restaurant services, not featuring pizza” in International Class 030.

4. The entry of an Order for the specified amendment to the Application is proper because the parties each consent to the amendment and the amendment to the Application limits the original identification of goods.

5. The parties further request withdrawal of the above-captioned opposition proceeding with prejudice, contingent upon entry of the amendment to the identification of goods in the Application specified herein.

By s/ Cheryl L. Burbach
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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 22nd day of April, 2014 to:

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ATTORNEYS FOR APPLICANT
DAVID GWYNN

s/ Cheryl L. Burbach