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Filing date: **04/09/2014**

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

Proceeding	91211954
Party	Defendant New England Biolabs, Inc.
Correspondence Address	SEAN PLOEN PLOEN LAW FIRM PC 100 SOUTH FIFTH STREET, SUITE 1900 MINNEAPOLIS, MN 55402-1267 UNITED STATES sploen@ploen.com, bwold@ploen.com
Submission	Motion to Amend Application
Filer's Name	SEAN PLOEN
Filer's e-mail	sploen@ploen.com, bwold@ploen.com
Signature	/Sean Ploen/
Date	04/09/2014
Attachments	CUTSMART Motion to Amend, with Consent.pdf(134974 bytes)

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

In the matter of trademark application serial no. 85/787,100
For the mark **CUTSMART**
Published in the *Official Gazette* on July 9, 2013

Clontech Laboratories, Inc.,)	
)	Opposition No. 91211954
Opposer)	
)	
vs.)	
)	
New England BioLabs, Inc.,)	
)	
Applicant)	
_____)	

MOTION TO AMEND APPLICATION, WITH CONSENT

Pursuant to Section 514.02 of the *Trademark Trial and Appeal Board Manual of Procedure*, Applicant hereby moves to amend the description of goods in the above-referenced application serial no. 85/787,100 (the “Application”). This motion is made with the consent of the other party in this proceeding, Clontech Laboratories, Inc. (“Opposer”). Pursuant to 37 C.F.R. § 2.133(a), Applicant hereby requests the following amendments to the description of goods claimed in the Application, as highlighted:

In International Class 001:

“Molecular biology reagents, namely, enzyme reagents or enzyme buffers for use in the biotechnology field, excluding enzyme reagents for the generation of cDNA from an RNA template.”

Applicant respectfully submits that the proposed amendments merely limit the scope of the identification of goods. Applicant further submits that the identification of goods, as amended, is sufficiently definite to allow others to understand the nature of Applicant's goods, to allow proper classification of such goods, and to adequately define the parameters of the goods offered by Applicant pursuant to *Trademark Manual of Examining Procedure* §§ 805 and 1402. Opposer has consented to Applicant's proposed amendment of the Application, as indicated by the signature below.

For the foregoing reasons, Applicant respectfully requests that the Board approve the proposed amendments.

Dated: April 9, 2014

By: _____



SEAN PLOEN
PLOEN LAW FIRM, PC
100 SOUTH FIFTH STREET, SUITE 1900
MINNEAPOLIS, MINNESOTA 55402-1267
TEL.: (651) 894-6800

Counsel for Applicant

Opposer Clontech Laboratories, Inc. hereby confirms its consent to the proposed amendments to application serial no. 85/787,100, as shown above.

By: /Ian K. Boyd/

IAN K. BOYD
HARVEY SISKIND LLP
FOUR EMBARCADERO CENTER, 39TH FLOOR
SAN FRANCISCO, CA 94111
TEL.: (415) 354-0100

Dated: April 9, 2014

Counsel for Opposer

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing Motion to Amend is being electronically filed with:

Trademark Trial and Appeal Board

and that a copy of the foregoing is being served electronically, by agreement, upon counsel for

Opposer:

IAN K. BOYD, ESQ.
<Iboyd@harveysiskind.com>

this 9th day of April, 2014.

A handwritten signature in black ink, appearing to read "Sean Ploen". The signature is stylized with a large, sweeping initial "S" and a distinct "P".

Sean Ploen