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

Proceeding	91212357
Party	Defendant Fabbrica D'Armi Pietro Beretta S.p.A.
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Submission	Other Motions/Papers
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Date	01/16/2014
Attachments	Cominbed Motion for Amendment and Withdrawal with Consent.pdf(21357 bytes)

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

In the matter of Application Serial No. 79/099,280
Mark: STORM and Design

Alliant Techsystems Inc.

Opposer-Plaintiff

v.

Fabbrica D'Armi Pietro Beretta S.p.A.

Applicant- Defendant

Opposition No. 91212357

**COMBINED MOTION FOR AMENDMENT AND WITHDRAWAL WITH
CONSENT PURSUANT TO 37 C.F.R. §2.106(c) and §2.133(a)**

Pursuant to 37 C.F.R. §2.106(c) and §2.133(a), and pursuant to TBMP §601.01 and §514, and with the consent of Opposer-Plaintiff's counsel, Applicant-Defendant hereby moves the Trademark Trial and Appeal Board ("TTAB") to amend Application Serial No. 79/099,280 and withdraw the present Opposition proceeding. The parties have agreed to settle the opposition, pursuant to Applicant-Defendant's amendment of its application by revising the identified goods, and Opposer-Plaintiff has consented to Applicant-Defendant's motion to amend and withdraw.

Accordingly, the Applicant-Defendant requests that the TTAB amend the identification of goods in International Class 13 to delete "**ammunition and projectiles**", which Applicant-Defendant submits does not exceed the scope of the identification of goods in the application. The following goods will remain in the application:

“Firearms; explosives; fireworks” in International class 13 and **“Model and replica toy weapons not for children; accessories for model and replica toy weapons not for children, namely, projectiles and ammunition for model and replica toy weapons not for children; model and replica toy weapons for virtual firing not for children; model and replica toy weapons not for children for use with an electronic target; animal hunting decoys; camouflage landing net used in hunting; deer hunting decoys; electronic animal calls for recreation and hunting activities; field blinds used in hunting; game straps used in bird hunting; hunting stands; wild game hunting decoys”** in international class 28.

Accordingly, Applicant-Defendant respectfully requests that the Board amend the application to revise the identification of goods as requested herein. Applicant-Defendant submits that the amendment to the application resolves the present dispute pursuant to the settlement agreed upon by the parties.

WHEREFORE, the parties respectfully request that the Board grant this Combined Motion for Amendment and Withdrawal of the opposition proceeding.

Respectfully submitted,

s/Bradley J. Walz

Stephen R. Baird

Bradley J. Walz

Counsel for Opposer-Plaintiff

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Date: January 16, 2014

/rgan/

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Date: January 16, 2014

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Combined Motion for Amendment and Withdrawal was served upon the Opposer-Plaintiff via counsel, by U.S. certified first-class mail, postage prepaid, to: Stephen R. Baird, 3500 Capella Tower, 225 South Sixth Street, Minneapolis, MN 55402; on this 16th day of January 2014.

/jc/
Jennifer Coles

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