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

Proceeding	91212750
Party	Defendant Roto-Die Company, Inc.
Correspondence Address	MATTHEW J. HIMICH THOMPSON COBURN LLP 505 N 7TH ST STE 3500 SAINT LOUIS, MO 63101-1693  ipdocket@thompsoncoburn.com
Submission	Motion to Amend Application
Filer's Name	Matthew J. Himich
Filer's e-mail	mhimich@thompsoncoburn.com, hal-shathir@thompsoncoburn.com
Signature	/s/ Matthew J. Himich
Date	11/05/2013
Attachments	joint motion to amend and withdraw.pdf(137171 bytes )

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

<b>MSC Services Corp., and</b>	)	
	)	
<b>Sid Tool Co., Inc. d/b/a</b>	)	
<b>MSC Industrial Supply Co.,</b>	)	
	)	
<b>Opposers,</b>	)	
	)	
<b>v.</b>	)	<b>Opp'n No. 91212750</b>
	)	
<b>Roto-Die Company, Inc.,</b>	)	
	)	
<b>Applicant.</b>	)	<b>Application Serial No. 85/853,995</b>

**CONSENTED MOTION FOR AMENDMENT OF APPLICATION AND  
WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE  
UPON ACCEPTANCE OF AMENDMENT**

COME NOW, Applicant, Roto-Die Company, Inc. (“Roto-Die”), and pursuant to Rule 2.133(a) of the Trademark Rules of Practice, hereby moves with consent of Opposers, MSC Services Corp. and Sid Tool Co., Inc. d/b/a MSC Industrial Supply Co. ( collectively, “MSC”), for entry of the following amendment of the subject application.

**Amendment**

Please amend the description of goods of the application to read as follows:

“~~Dies for use with machine tools, namely, cutting dies~~ for use with converting machinery that makes labels and packaging for foods and beverages, and health and beauty products” in class 7.

**Dismissal**

The parties to the above-referenced opposition have settled this matter. Under the terms of the parties’ agreement, Roto-Die agrees to move for entry of the above amendment in the identification of goods of the opposed application. MSC consents to the amendment. Once the amendment is accepted by the Trademark Office, the opposition should be dismissed without

prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and (ii). Roto-Die consents to the withdrawal of the opposition without prejudice.

WHEREFORE, Roto-Die respectfully requests the Board enter the amendment and the parties respectfully request that upon acceptance of the amendment, the opposition be withdrawn without prejudice.

Dated this 5th day of November 2013.

Respectfully submitted,  
THOMPSON COBURN LLP

Respectfully submitted,  
CURTIS, MALLET-PREVOST, COLT &  
MOSLE LLP

By: /matthew j. himich/  
Matthew J. Himich  
Thompson Coburn LLP  
One U.S. Bank Plaza  
St. Louis, MO 63101  
Phone: (314) 552-6000  
Fax: (314) 552-7000

By: /michael r. graif/  
Michael R. Graif  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, NY 10178  
Tel. (212) 696-6140  
Fax (917) 368-8842

ATTORNEY FOR APPLICANT

ATTORNEY FOR OPPOSERS

ROTO-DIE COMPANY, INC.

MSC SERVICES CORP., SID  
TOOL CO., INC. D/B/A MSC  
INDUSTRIAL SUPPLY CO.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies a true and correct copy of the foregoing has been served upon the following by email via stipulation on this 5th day of November, 2013:

Michael R. Graif  
Curtis, Mallet-Prevost, Colt & Mosle LLP  
101 Park Avenue  
New York, NY 10178  
Tel. (212) 696-6140  
Fax (917) 368-8842

/matthew j. himich/