

ESTTA Tracking number: **ESTTA643512**

Filing date: **12/09/2014**

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

Proceeding	91215811
Party	Defendant KeepSafe Software, Inc.
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Signature	/Ariana G. Hiscott/
Date	12/09/2014
Attachments	Stipulated Motion - KEEPSAFE - Opp No 91215811.pdf(84211 bytes )

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

KeepItSafe, Inc., by way of assignment (as evidenced in Reel/Frame No. 5317/0631) from J2 Cloud Services, Inc. (formerly J2 Global, Inc., as evidenced in Reel/Frame No. 5314/0333), Opposer

v.

KeepSafe Software, Inc., Applicant

**OPPOSITION NO. 91215811**

Trademark: KEEPSAFE

U.S. Serial No.: 85906972

Filed: April 17, 2013

Published: December 10, 2013

Goods: Computer application software for mobile phones, namely, software for importing, hiding and locking photo images, videos and sms messages  
First Used: October, 2011

**STIPULATED MOTION TO AMEND APPLICATION  
AND TO DISMISS OPPOSITION WITHOUT PREJUDICE**

In accordance with 37 CFR § 2.133 and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) Section 514, Applicant, through its undersigned attorney, respectfully requests that the Trademark Trial and Appeal Board (the “Board”) amend the above-referenced application, Serial No. 85906972 by adding to the class the following wording shown in underline and in bold:

Computer application software for mobile phones, namely, privacy software for importing, hiding and locking photo images, videos and SMS messages **of individual users from view, the aforementioned goods not including computer programs for use in processing data in the fields of disaster recovery, data archival and data backup, database management software for use in the fields of disaster recovery, data archival, and data backup, and computer programs for providing remote data archival and backup**

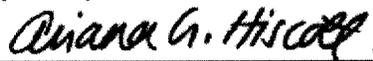
This amendment clarifies and limits the present recitation of goods and, therefore, Applicant believes that the amendment is acceptable under 37 CFR § 2.71(a). In accordance with 37 CFR § 2.133, Opposer has consented to this amendment.

Pursuant to 37 CFR § 2.106(c) and TBMP § 601.01, and based upon acceptance by the Board of Applicant’s request to amend the identification of goods in U.S. Serial No. 85906972, Opposer hereby dismisses the above-identified Opposition No. 91215811 without prejudice. Applicant, through its undersigned counsel consents to Opposer’s dismissal of the opposition without prejudice.

Applicant and Opposer respectfully request that the Board enter the above-requested amendment to the Application and dismiss Opposition No. 91215811 without prejudice. The parties further respectfully request that the Board suspend the opposition proceedings pending the disposition of these requests.

Dated: December 9, 2014

Respectfully submitted,

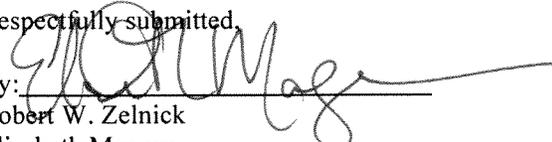
By: 

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Attorneys for Applicant.

Dated: December 9, 2014

Respectfully submitted,

By: 

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Attorneys for Opposer

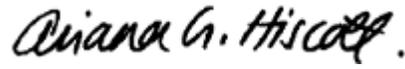
**CERTIFICATE OF SERVICE**

I, Ariana G. Hiscott, hereby certify that I served a true and complete copy of the foregoing STIPULATED MOTION TO AMEND APPLICATION AND TO DISMISS OPPOSITION WITHOUT PREJUDICE on Opposer by e-mailing said copy on December 9, 2014 to the following addresses:

rzelnick@mwe.com

bmorgan@mwe.com

Executed: December 9, 2014

Handwritten signature of Ariana G. Hiscott in black ink, written in a cursive style. The signature is underlined with a solid black line.

Ariana G. Hiscott