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

Proceeding	91216429
Party	Defendant NextLine Manufacturing, Inc.
Correspondence Address	NEXTLINE MANUFACTURING, INC. NEXTLINE MANUFACTURING, INC. 7951 CESSNA AVE GAITHERSBURG, MD 20879-4117 ljohnson@nextlinemfg.com
Submission	Other Motions/Papers
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Date	07/28/2014
Attachments	Consent Judgment and Motion to Amend.pdf(17964 bytes)

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

Proto Labs, Inc.,)	
)	Opposition No. 91216429
Opposer,)	
)	Serial Nos. 86/100,092, 86/100,112,
v.)	86/100,123 and 86/100,133
)	
NextLine Manufacturing Corp.,)	Marks: NextLine, NextLine
)	Manufacturing, NextQuote
Applicant.)	Xpress Flow

**APPLICANT’S CONSENT TO JUDGMENT ON TWO
APPLICATIONS AND MOTION TO AMEND REMAINING APPLICATIONS**

Applicant hereby consents to judgment in respect to **NextQuote**, U.S. App. Ser. No. 86/100,123, and **XPressFlow**, U.S. App. No. 86/100,133. Abandonment of these applications will narrow the issues in the opposition; the only issue now is whether Opposer’s marks are confusingly similar to Applicant’s **NextLine**, U.S. App. No. 86100092; and **NextLine Manufacturing**, U.S. App. No. 86100112.

Applicant states further that the following errors appear in the first-use and first-use-in-commerce dates of the four opposed applications:

Mark/App.	First Use	Corrected	First Commerce	Corrected
NextLine , App. No. 86100092	Jan. 15, 2013	May 29, 2013	Oct. 22, 2013	Jan. 28, 2014
NextLine Manufacturing , App. No. 86100112	Jan. 15, 2013	May 29, 2013	Oct. 22, 2013	Jan. 28, 2014
NextQuote , App. Ser. No. 86/100,123	Sept. 17, 2013	[same]	Oct. 23, 2013	Jan. 28, 2014
XPressFlow , App. No. 86/100,133	Sept. 17, 2013	[same]	Oct. 23, 2013	Jan. 28, 2014

These errors, while regretted by Applicant, are not material to any issue raised in the notice of opposition, as Opposer’s claim to priority in **FINELINE** – if proved – goes back for many years and would not be affected by the minor discrepancies involved here. Opposer would

have priority in its own marks in either case, assuming that Opposer could otherwise prove a likelihood of confusion.

Accordingly, Applicant consents to judgment pertaining to **NextQuote**, U.S. App. Ser. No. 86/100,123, and **XPressFlow**, U.S. App. No. 86/100,133. In turn, Applicant expressly reserves all rights, claims and defenses in respect to the two remaining opposed applications, **NextLine**, U.S. App. No. 86100092, and **NextLine Manufacturing**, U.S. App. No. 86100112, and hereby moves the Board to amend the first-use dates claimed in those applications without prejudice to any claim or defense otherwise available to either party.

Respectfully submitted,

NEXTLINE MANUFACTURING INC.



by:

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Date: July 28, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 28, 2014, a copy of the foregoing Applicant's Consent to Judgment on Two Applications and Motion to Amend Remaining Applications, was served by U.S. mail, first class postage prepaid, on the following counsel of record for Opposer:

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