

ESTTA Tracking number: **ESTTA705421**

Filing date: **10/29/2015**

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

Proceeding	91220358
Party	Plaintiff Datura, LLC
Correspondence Address	Elizabeth K. Brock Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Ste. 200 Troy, MI 48098 UNITED STATES ebroch@hdp.com, docketingTM@hdp.com, tjcomparoni@hdp.com
Submission	Withdrawal of Opposition
Filer's Name	Elizabeth K. Brock
Filer's e-mail	ebroch@hdp.com
Signature	/ekb/
Date	10/29/2015
Attachments	Motion to Amend and Withdraw.PDF(62355 bytes)

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

Datura, LLC)		
Opposer,)	Opposition No.	91220358
)		
v.)	Serial No.	86/227,701
)		
Datera, Inc.)	Mark:	DATERA.
Applicant.)		
)		

**CONSENTED MOTION TO AMEND
APPLICATION AND WITHDRAW OPPOSITION**

Applicant, Datera, Inc., hereby requests pursuant to TBMP 514.02 and 37 CFR §2.133(a) that the Trademark Trial and Appeal Board approve the amendment of its application, Serial No. 86/227,701, by adding a limitation to Class 9, so that the application appears as follows:

Current Identification of Goods:

-- Computer hardware and software for use in the storage, transmission, processing, and management of data over computer networks within the field of data storage in Class 9

Amended Identification of Goods:

-- Computer hardware and software for use in the storage, transmission, processing, and management of data over computer networks within the field of data storage, excluding database application software in Class 9

The amendment to the goods should be acceptable as it is restricting in nature and republication is not required.

Opposer, Datura, LLC, pursuant to an agreement between the parties, hereby consents to the amendment of application Serial No. 86/227,701, and contingent upon entry of the foregoing amendment, Opposer withdraws its Notice of Opposition to Application Serial No. 86/227,701 with Applicant's consent, expressly given below.

Respectfully submitted,

DATURA, LLC

By: Elizabeth Brock
Elizabeth K. Brock
Harness, Dickey & Pierce, PLC
5445 Corporate Drive, Ste. 200
Troy, MI 48098

Dated: 10-29-2015

Attorney for Opposer, Datura, LLC

DATERA, INC.

By: Julia Spoor Gard
Julia Spoor Gard
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204-3535

Dated: 10-29-2015

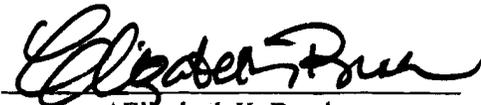
Attorney for Applicant, Datera, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Consented Motion to Withdraw with Prejudice has been served on the counsel for Applicant, Julia Spoor Gard, by agreement, via electronic mail addressed to cbrandon@btlaw.com, bmcginnis@btlaw.com, tmindocket@btlaw.com, on 10/29, 2015.


Elizabeth K. Brock