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

Proceeding	91221256
Party	Defendant Matter and Form Inc.
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Submission	Reply in Support of Motion
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Date	11/18/2015
Attachments	Applicant's Reply Brief.pdf(17739 bytes)

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

Form & Matter LLC,)	
)	
Opposer,)	Opposition No.: 91221256
)	
vs.)	Application No.: 86/295,070
)	
Matter and Form Inc.,)	Mark: MATTER AND FORM
)	
Applicant.)	

**APPLICANT’S REPLY BRIEF IN SUPPORT OF APPLICANT’S
MOTION TO DISMISS & MOTION TO AMEND APPLICATION**

Applicant Matter and Form Inc. (“Applicant”) submits the following Applicant’s Reply Brief (“Reply Brief”) in response to Opposer’s Response to Applicant’s Motion to Dismiss & Motion to Amend Application filed in this proceeding on November 6, 2015.

As previously stated by both parties, Opposer Form & Matter LLC (“Opposer”) filed the present Opposition solely against Applicant’s services in International Classes 35 and 42 of Applicant’s Application No. 86/295,070 (the “Application”). Given that Applicant previously filed Applicant’s Motion to Dismiss & Motion to Amend Application (“Applicant’s Motion”) to delete the services in International Classes 35 and 42, Applicant maintains its request that the Application be permitted to register solely with the goods in the remaining International Class 9, which are not subject to the Opposition.

Further, both parties agree that the Opposition should be dismissed with prejudice as to the services in International Classes 35 and 42, as those are the only Classes listed in the Opposition.

Therefore, in order to bring an end this proceeding, the Board should grant Applicant's previously filed Motion to Dismiss & Motion to Amend Application. Opposer argues that Applicant's Motion should be denied and that judgment should be entered in favor of Opposer. However, the only way that the Opposition could be ended at this point while simultaneously denying Applicant's Motion would be if Opposer had filed a Motion for Summary Judgment, which it did not.

Applicant requests that the Trademark Trial and Appeal Board grant Applicant's Motion; delete International Classes 35 and 42 from the Application; dismiss the Opposition with prejudice and issue a Notice of Allowance to Applicant for International Class 9, which was not opposed.

WALKER & JOCKE & CO., LPA

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S REPLY BRIEF IN SUPPORT OF APPLICANT'S MOTION TO DISMISS & MOTION TO AMEND APPLICATION has been served on following attorney for Opposer, by mailing said copy on November 18, 2015, via First Class Mail, postage prepaid and via electronic mail to:

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