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Filing date: **02/10/2016**

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

Proceeding	91221476
Party	Defendant Karmic Labs, Inc
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Attachments	Karmic REQUEST TO AMEND for DASH mark TTAB.pdf(173466 bytes)

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

15 THE DARKCOIN FOUNDATION, INC., an Arizona
16 corporation

17 Opposer,

18 v.

19 KARMIC LABS, INC., a Delaware corporation

20 Applicant.

Opposition No.: 91221476

Application Serial No.: 86/377,359

Mark: DASH

**APPLICANT'S REQUEST TO AMEND
APPLICATION WITH CONSENT**

21 Applicant Karmic Labs, Inc. ("Applicant" or "Karmic Labs") respectfully files this
22 Request to Amend the subject application which is filed with the consent of Opposer The
23 Darkcoin Foundation, Inc., ("Opposer") ("Request to Amend"):

24 **REQUEST TO AMEND**

25 Applicant hereby submits this Request to Amend the identification of goods and services
26 in its application serial no. 86/377,359 for the DASH trademark in accordance with the
27 settlement terms of the Applicant and Opposer for this opposition and with the consent of
28 Opposer pursuant to 37 CFR § 2.133 and TBMP 514.01 and 02.

Amended Identification of Goods and Services

1. Applicant requests to amend the identification of goods and services as follows:

APPLICANT'S REQUEST TO AMEND

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IC 009: Magnetically encoded cards for employers to track and set a maximum for employees financial transactions; downloadable software in the nature of a mobile application for conducting financial transactions, not including virtual currency transactions; downloadable software to conduct electronic funds transfers and payment processing, not relating to virtual currency transactions; downloadable software that provides alerts regarding balances, spending, loyalty rewards and offers, and companion card requests for money transfers, not relating to virtual currency transactions; downloadable software that tracks debit card and other financial transactions;

IC 036: Financial services, namely, electronic bill payment, card-to-card transfers of funds, electronic remote check deposit services, and bank account management services all related to credit and debit cards and not relating to virtual currency transactions; commercial financial management budgeting services; electronic funds transfer services all related to credit and debit cards and not relating to virtual currency transactions; card services; online financial services, namely, banking services accessible by means of a downloadable mobile application, not relating to virtual currency transactions; and

IC 042: Providing temporary use of online non-downloadable software to financial institutions to conduct financial transactions related to credit and debit cards and not relating to virtual currency transactions; providing temporary use of online non-downloadable software to financial institutions to track card and other financial transactions.

- 2. Said amendment is filed in compliance with all other applicable rules and statutory provisions, including 37 CFR§ 2.71-37 CFR § 2.75.
- 3. This amendment is being filed with Opposer’s consent pursuant to TBMP 514.02.

Red-line of Amendment

Pursuant to TBMP 514.01, Applicant also provides the following red-lined copy of the above proposed amendment showing the proposed changes:

IC 009. Magnetically encoded cards ~~for employers to track and set a maximum for employees financial transactions~~; downloadable software in the nature of a mobile application for conducting financial transactions, ~~not including virtual~~

APPLICANT’S REQUEST TO AMEND

Elizabeth McArthur 2/9/2016 11:14 AM
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currency transactions; downloadable software to conduct electronic funds transfers and payment processing not relating to virtual currency transactions; downloadable software that provides alerts regarding balances, spending, loyalty rewards and offers, and companion card requests for money transfers, not relating to virtual currency transactions; downloadable software that tracks debit card and other financial transactions;

IC 036. Financial services, namely, electronic bill payment, card-to-card transfers of funds, electronic remote check deposit services, and bank account management services all related to credit and debit cards and not relating to virtual currency transactions; commercial financial management budgeting services; electronic funds transfer services all related to credit and debit cards and not relating to virtual currency transactions; debit card services; online financial services, namely, banking services accessible by means of a downloadable mobile application, not relating to virtual currency transactions; and

IC 042. Providing temporary use of online non-downloadable software to financial institutions to conduct financial transactions related to credit and debit cards and not relating to virtual currency transactions; providing temporary use of online non-downloadable software to financial institutions to track debit card and other financial transactions.

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2 DATED: February 10, 2016

VASQUEZ BENISEK & LINDGREN LLP

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4 By: /s/ Eric Benisek
5 Attorney for Applicant

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that a true and complete copy of the foregoing **APPLICANT'S REQUEST**
8 **TO AMEND** has been served on Opposer's Attorney of Record by mailing said copy on February
9 10, 2016, via First Class Mail, postage prepaid to:

10 Michael Fedrick
11 Loza & Loza, LLP
12 305 N. Second Ave., #127
Upland, CA 91786-6064

13 And, pursuant to the settlement agreement, with a copy to Opposer at:

14
15 Evan Duffield
The Darkcoin Foundation, Inc.
16 1846 E. Innovation Park Dr., #100
Oro Valley, AZ 85755
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20 Signature: /e/Eric Benisek
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APPLICANT'S REQUEST TO AMEND