

ESTTA Tracking number: **ESTTA751243**

Filing date: **06/08/2016**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91223455   |
| Party                  | Plaintiff<br>Color Image Apparel, Inc.   |
| Correspondence Address | LINDSAY HULLEY<br>RUTAN & TUCKER LLP<br>611 ANTON BOULEVARD 14TH FLOOR<br>COSTA MESA, CA 92626<br>UNITED STATES<br>lhulley@rutan.com, trademarks@rutan.com |
| Submission             | Withdrawal of Opposition   |
| Filer's Name           | Lindsay J. Hulley  |
| Filer's e-mail         | lhulley@rutan.com, kgalligan@rutan.com, trademarks@rutan.com   |
| Signature              | /Lindsay J. Hulley/  |
| Date                   | 06/08/2016   |
| Attachments            | TURBELLA Consented Amendment and Withdrawal of Opposition without Prejudice.pdf(96019 bytes )  |

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

Color Image Apparel, Inc.,

Opposer,

v.

Leah A. Lessard,

Applicant.

Opposition No.: 91223455

Application Serial No.: 86/562,444

Trademark: TURBELLA

**CONSENTED AMENDMENT AND  
WITHDRAWAL OF OPPOSITION  
WITHOUT PREJUDICE**

Applicant Leah A. Lessard (“Applicant”) and opposer Color Image Apparel, Inc. (“Opposer”) have entered into a settlement agreement, conditioned upon, among other things, amendment of the description of goods in Class 25 in the subject trademark application. Applicant, through its undersigned counsel and with the consent of Opposer, through its undersigned counsel, hereby moves the Trademark Trial and Appeal Board to amend the identification of goods in the subject trademark application for Class 25 by amending the goods description as follows: “Bathing caps; Head wear; Head wraps; Headbands; Rain hats; Shower caps; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Turbans; **all of the foregoing goods made in whole or in substantial part of microfiber textile and/or waterproof and gas permeable, breathable membrane.**”

Upon confirmation that International Class 25 has been amended as indicated above in the subject trademark application, Opposer, through its attorneys identified below, requests that its Notice of Opposition No. 91223455 be withdrawn without prejudice. Applicant, through its attorneys, has provided its written consent thereto.

Dated: June 8, 2016

Respectfully submitted,

Paulo A. de Almeida  
Patel & Almeida, P.C.  
16830 Ventura Boulevard, Suite 360  
Encino, California 91436  
Telephone: (818) 380-1900  
Email: paulo@paiplaw.com  
Attorneys for Applicant

Lindsay J. Hulley  
Rutan & Tucker, LLP  
611 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626  
Telephone: (714) 641-5100  
Email: lhulley@rutan.com  
Attorneys for Opposer,

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is one of the attorneys for Opposer Color Image Apparel, Inc. in the above-captioned Opposition proceeding and that on the date which appears below, she caused a copy of the foregoing **CONSENTED AMENDMENT AND WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE** to be served on the following via email, pursuant to agreement between counsel:

**Applicant's Attorney of Record:**

Paulo A. de Almeida

Email: paulo@paiplaw.com

Dated: Dated: June 8, 2016  
Costa Mesa, California

/Lindsay J. Hulley/  
Lindsay J. Hulley