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Filing date: **08/01/2016**

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

Proceeding	91226738
Party	Defendant Kevin Armistead
Correspondence Address	JULIE P KING PIERCE KING PC PO BOX 3136 MONTEREY, CA 93942 UNITED STATES Julie@PierceKingLaw.com, Tawanda@PierceKingLaw.com
Submission	Other Motions/Papers
Filer's Name	Julie King
Filer's e-mail	Julie@PierceKingLaw.com
Signature	/Julie P. King/
Date	08/01/2016
Attachments	ARMS-01 - Motion for Relief from Final Judgmt 7.22.16.pdf(44651 bytes ) ARMS-01 - Withdrawal by Applicant 2 - Amended - EXECUTED 8.01.16.pdf(49843 bytes )

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

LINKEDIN CORPORATION,	)	In the United States Trademark Office
	)	
<i>Opposer</i>	)	Proceeding No. 91226738
v.	)	Serial No. 86393139
	)	
KEVIN ARMISTEAD DBA WIRED IN CARMEL,	)	
	)	
<i>Applicant.</i>	)	

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**STIPULATED MOTION FOR RELIEF FROM JUDGMENT AND  
FOR LEAVE TO FILE AMENDED APPLICATION WITHDRAWAL BY APPLICANT**

Applicant KEVIN ARMISTEAD DBA WIRED IN CARMEL, by its undersigned attorney of record, hereby moves that the judgment entered be vacated due to the fact that Opposer’s counsel *did* consent to the Applicant’s Withdrawal of its Application.

Motions to set aside or vacate judgments rendered by the TTAB are governed by the provisions of Fed. R. Civ. P. §60(b), which provides that TTAB may, upon such terms as are just, on motion, relieve a party from a judgment for one of the reasons specified in Fed. R. Civ. P. §60(b) including, among others:

1. Mistake, inadvertence, surprise or excusable neglect; [...] and
6. Any other reason justifying relief from the operation of the judgment.

Motions to vacate must be made within a reasonable time. This motion is being brought within one month of the judgment being entered (on July 1, 2016).

Background: Applicant’s and Opposer’s counsel reached a resolution of the matter and Opposer’s counsel consented to the withdrawal. Counsel for Applicant believed the attachment to the Withdrawal would be sufficient evidence to indicate Opposer’s counsel’s consent to the Withdrawal by Applicant. [See the attached Declaration of Counsel attached hereto as Attachment “A”.] Since the attachment was not so sufficient, concurrent with this filing, Applicant is submitting an amended Applicant’s Withdrawal of its Application that contains Opposer’s counsel’s signature directly on the Withdrawal – as opposed to being an attachment to the Withdrawal. [See the Amended Withdrawal attached hereto as Attachment “B”].

Applicant respectfully requests that the judgment entered earlier this month *be vacated* and the record reflect that the Application was dismissed pursuant to an agreement by both counsel.

Respectfully submitted,

**PIERCE KING, P.C.**

By:  /Julie P. King/

Julie P. King, Esq.  
P.O. Box 3136  
Monterey, CA 93942  
(831) 275-1002  
Julie@PierceKingLaw.com  
Attorney for Applicant Kevin Armistead dba Wired In Carmel

Withdrawal Consented To:

**COOLEY LLP**

By:  /Janet Cullum/

Janet Cullum, Esq.  
Cooley LLP  
1114 Avenue of the Americas  
New York, NY 10036-7798  
(212) 479-6500  
jcullum@cooley.com  
Attorney for Opposer LinkedIn Corporation

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

LINKEDIN CORPORATION,	)	In the United States Trademark Office
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<i>Opposer</i>	)	Proceeding No. 91226738
v.	)	Serial No. 86393139
	)	
KEVIN ARMISTEAD DBA WIRED IN CARMEL,	)	
	)	
<i>Applicant.</i>	)	
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**DECLARATION OF COUNSEL**  
**IN SUPPORT OF MOTION FOR RELIEF FROM JUDGMENT AND**  
**FOR LEAVE TO FILE AMENDED APPLICATION WITHDRAWAL BY APPLICANT**

I, Julie P. King, declare and state as follows:

1. I am counsel for Applicant KEVIN ARMISTEAD DBA WIRED IN CARMEL in the above-captioned matter.
2. I submitted an Applicant's Withdrawal of its Application along with a letter signed by Opposer's counsel evidencing the agreement between the parties and their respective counsel that resolved the ongoing Opposition and required Applicant to withdraw his application.
3. I mistakenly and inadvertently believed that the letter signed by Opposer's counsel would serve as sufficient evidence of Opposer's consent to the Withdrawal of the Application.
4. Accordingly, I hereby respectfully request that the judgment be vacated and the Trademark Trial and Appeal Board allow the Amended Withdrawal of Application containing Opposer's counsel's signature be accepted in the place of the initial Withdrawal and signed letter from Opposer's counsel.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By:     /Julie P. King/    

Dated: July 22, 2016

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

LINKEDIN CORPORATION,	)	In the United States Trademark Office
	)	
<i>Opposer</i>	)	Proceeding No. 91226738
v.	)	Serial No. 86393139
	)	
KEVIN ARMISTEAD DBA WIRED IN CARMEL,	)	
	)	
<i>Applicant.</i>	)	

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**AMENDED WITHDRAWAL BY APPLICANT WITH CONSENT OF OPPOSING COUNSEL**

Applicant KEVIN ARMISTEAD DBA WIRED IN CARMEL, by its undersigned attorney of record hereby expressly abandons and withdraws its application Serial No. 86393139, in accord with the provisions of 37 C.F.R. §§ 2.68 and 2.135. This withdrawal has been consented to by opposing counsel, as confirmed with the signature below.

Respectfully submitted,

**PIERCE KING, P.C.**

By: /Julie P. King/  
Julie P. King, Esq.  
P.O. Box 3136  
Monterey, CA 93942  
Telephone: (831) 275-1002  
E-mail: [Julie@PierceKingLaw.com](mailto:Julie@PierceKingLaw.com)  
Attorney for Applicant

I consent to the withdrawal:

**COOLEY LLP**

By: /Janet Cullum/  
Janet Cullum, Esq.  
1114 Avenue of the Americas  
New York, NY 10036-7798  
Telephone: (212) 479-6500  
E-mail: [jcullum@cooley.com](mailto:jcullum@cooley.com)  
Attorney for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this Withdrawal was served on Janet Cullum, counsel of record for Opposer, via e-mail and U.S. first class mail, on the 22<sup>nd</sup> day of July 2016.

Janet Cullum, Esq.  
Cooley LLP  
1114 Avenue of the Americas  
New York, NY 10036-7798  
[jcullum@cooley.com](mailto:jcullum@cooley.com)

/Julie P. King/  
Julie P. King, Esq.

ATTACHMENT "B"

