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

Proceeding	92060464
Party	Defendant Cheytac USA LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

SAFESIDE TACTICAL, LLC	)	
	)	
Petitioner,	)	
v.	)	Processing No. 92060464
	)	
CHEYTAC USA, LLC	)	Registration No. 4,509,171
	)	
Registrant.	)	

**REGISTRANT CHEYTAC USA, LLC'S REQUEST FOR APPROVAL OF ITS SECTION 7  
REQUEST FOR CORRECTION WITH PETITIONER'S CONSENT**

Registrant CheyTac USA, LLC ("Registrant"), hereby requests that the TTAB approve its Section 7 Request for Correction With Petitioner's Consent pursuant to Rule 514.01 of the Trademark Trial and Appeal Board Manual of Procedures.

**STATEMENT OF FACTS**

1. Registrant is the owner of the registered mark "SAFESIDE" ("Registrant's Mark") pursuant to its Application filed on or about February 2, 2013, which issued on April 8, 2014 as U.S. Registration No. 4,509,171.
2. On November 29, 2014, Registrant filed a Section 7 Request for Correction to state accurately the date of first use anywhere and the date of first use in commerce as June 24, 2011, but Registrant's former counsel did not attach the correct evidence in support thereof.
3. Subsequent to the filing of Registrant's Section 7 Request, on or about December 1, 2014, Petitioner filed a Petition to Cancel Registrant's Registration on the grounds of priority of use and the likelihood of confusion pursuant to Section 2(d) of the Trademark Act, which Petition was predicated on the incorrectly identified date of first use anywhere and first use in commerce.

4. On or about December 5, 2014 the Section 7 Request was corrected and refiled, and the correct invoice identifying the correct date of first use anywhere and first use in commerce was attached establishing date of first use as June 24, 2011.

5. On or about January 15, 2015, Registrant Filed a Motion to Grant Corrected Date of First Use Without Consent pursuant to 37 C.F.R. § 2.175 and TBMP § 514.01 seeking an order correcting the date of first use as June 24, 2011.

6. On or about February 9, 2015, the Board issued an order indicating Registrant's Motion to Grant Corrected Date of First Use was deficient in that it was missing the required fee and declaration in support which had not been submitted along with the Motion by Registrant's former counsel (the "February 9 Order"). The Board granted Registrant 30 days to perfect its request.

7. On or about February 13, 2015, Registrant filed its Reply in Support of Registrant's Motion to Grant Corrected Date of First Use Without Consent.

8. Petitioner now provides consent to Registrant's Section 7 request to amend the date of first use anywhere and the date of first use in commerce to be June 24, 2011.

9. Registrant attaches herewith, Exhibit A, Petitioner's Consent, signed by counsel of record.

#### **ARGUMENT AND CITATION OF AUTHORITY**

Pursuant to TMBP Sect. 514.01, Registrant respectfully requests the Board approve the previously submitted Section 7 Request to correct the date of first use due to good faith error and now with Petitioner's consent to advance settlement and disposition of this proceeding. Whereby, pursuant to TMEP 1609.10(b), the Post Registration Branch may enter the Section 7 Request to amend the dates of first use as outlined above with consent of Petitioner and upon the Board's approval.

## CONCLUSION

Accordingly, for the foregoing reasons, Registrant respectfully requests the Board to grant its previously filed Section 7 Request for Correction to correct the dates of first use, now provided with Petitioner' Consent.

Respectfully submitted, this 5<sup>th</sup> day of July, 2016.

**FISHERBROYLES, LLP**

/s/Milo S. Cogan

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## Exhibit A

### PETITIONER'S CONSENT TO REGISTRANT'S SECTION 7 REQUEST FOR CORRECTION

Pursuant to 37 C.F.R. §2.133 and TBMP §514.01, Petitioner hereby consents to Registrant's Request for Correction of Registration of U.S. Registration No. 4,509,171 (issued on April 8, 2014), for the mark SAFESIDE so as to amend the date of first use anywhere and the date of first use in commerce to be June 24, 2011 as set forth in Petitioner's previously filed Section 7 Request for Correction. Petitioner hereby consents to the correction and requests the Board's approval and acceptance by the Post Registration Branch of the USPTO.

Respectfully submitted, this 1<sup>st</sup> day of July, 2016.



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