

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: June 12, 2013

Concurrent Use No. 94002566
Opposition No. No. 91205101

John W. Hill, III

v.

Jamat, LLC d/b/a Mattress
Source

By the Trademark Trial and Appeal Board:

This case now comes up for consideration of applicant John W. Hill, III ("Hill") consented motion (filed January 8, 2013) to amend the involved application to seek concurrent use registration and dismiss the opposition in favor of a concurrent use proceeding. Inasmuch as applicant's amendment is in compliance with Trademark Rule 2.73, it is accepted and entered.

In view of the Board's approval of this amendment, Opposition No. 91205101 is dismissed with prejudice and a concurrent use proceeding, namely, Concurrent Use No. 94002566, is hereby instituted under the provisions of Section 2(d) of the Trademark Act.

Hill also seeks to amend his involved application by including the following statement:

Applicant claims the exclusive right to use the mark in the area comprising the entire United States, except for the states Missouri, Illinois, and Michigan for the services: Retail stores featuring mattresses, box springs, bedding foundations, and bedding products; online retail stores featuring mattresses, box springs, bedding foundations, and bedding products; mail order retail services featuring mattresses, box springs, bedding foundations, and bedding products in International Class 35.

Inasmuch as the amendment to the involved application is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Jamat, LLC consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The January 8, 2013 filing indicates that the parties have reached a settlement of this matter regarding the issuance to the concurrent use applicant of the concurrent registration sought. No concurrent use settlement agreement was included with the filing. To the extent the parties have settled this dispute they should file a copy of the agreement with the Board within **30 days** of the date set forth in the caption above, failing which this proceeding will be resumed and all relevant dates will be set.

Proceedings are otherwise suspended.