

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

Baxley

Mailed: January 24, 2011

Opposition No. 91166201

Ashley Paige Depew

v.

Fortune Casuals, LLC and
Premium Denim LLC

Opposition No. 91175192

Premium Denim LLC

v.

Ashley Paige Depew

By the Trademark Trial and Appeal Board:

On December 21, 2010, Ashley Paige Depew ("Depew") filed a motion to amend the drawing of the mark in her application Serial No. 78668652, in compliance with the parties' settlement agreement and the Board's November 29, 2010 order, and to dismiss the above-captioned proceedings in accordance with that agreement. By the proposed amendment, Depew seeks to amend the drawing to change the display of the mark from standard character form to a specific stylized form that matches the specimens in her involved application. See Trademark Rule 2.72(a)(1).

The amendment does not materially alter the mark sought to be registered, as required by Trademark Rule 2.72(a)(2),

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and the parties, through their agreement, have agreed to allow Depew to amend the drawing of the mark in the manner proposed. Accordingly, the motion to amend is granted, and the amendment to the drawing is approved. See Trademark Rule 2.133(a). The amended drawing has been entered into the USPTO file for Depew's involved application.

In view of the foregoing, and in accordance with the parties' settlement agreement, the above-captioned oppositions are dismissed with prejudice.