

ESTTA Tracking number: **ESTTA240481**

Filing date: **10/03/2008**

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

Proceeding	91179084
Party	Plaintiff The Chamberlain Group, Inc.
Correspondence Address	Joseph T. Nabor Fitch, Even, Tabin & Flannery 120 S. LaSalle Street, Suite 1600 Chicago, IL 60603 UNITED STATES trademark@fitcheven.com
Submission	Other Motions/Papers
Filer's Name	Alisa C. Simmons
Filer's e-mail	trademark@fitcheven.com
Signature	/alisa simmons/
Date	10/03/2008
Attachments	90794_Consent Motion to Amend.pdf ( 3 pages )(108460 bytes )

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

In the Matter of Serial No. 78/965,234

The Chamberlain Group, Inc.	)	
	)	OPPOSITION NO. 91/179084
Opposer,	)	
v.	)	
	)	
Advanced Biometric Solutions, Inc.	)	
	)	
Applicant.	)	
	)	

**Consented Motion To Amend Application, Suspend Proceeding,  
And Then Withdraw the Opposition Upon Entry of Amendment**

The parties in this opposition have resolved their dispute through an executed settlement agreement, which requires the amendment of the identification of goods in Application Serial No. 78/965,234.

Amendment

Pursuant to Trademark Rule 2.133, with the express consent of Opposer The Chamberlain Group, Inc., Applicant Advanced Biometric Solutions, Inc. respectfully moves to amend the identification of goods in Application Serial No. 78/965,234 for DOORMASTER, published on April 24, 2007, to read in its entirety:

“Biometric security and identification software for computer access and access to electronically stored or electronically disseminated information on computers or computer networks.”

For the Board’s convenience, the parties explain that the proposed amendment is identical to the identification of goods at the time of publication, except for the addition of the phrase “for computer access and access to electronically stored or electronically disseminated information on computers or computer networks.” The parties submit that the foregoing

amendment narrows the scope of the goods identified in this Application, and, as a result, the Application will not need to be republished.

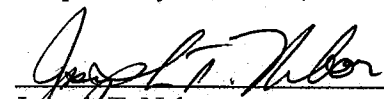
Suspension

So that the Board may consider the proposed amendment, the parties move the Board to suspend this opposition proceeding for the period of time needed to consider the proposed amendment. In the event that the proposed amendment is not acceptable to the Board and Trademark Office, the parties request that the Board maintain the suspension of the proceeding while the parties suggest alternative, mutually agreeable language to amend the Application as required by the settlement agreement executed by the parties.

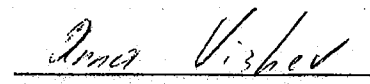
Withdrawal

The parties believe that the proposed amendment to the Application will be acceptable to the Board and Trademark Office. Contingent upon the acceptance and entry of the requested amendment, the Opposer, with the Applicant's express consent, respectfully requests that the Board, at that time, then withdraw the above-identified opposition against Application No. 78/965,234 without prejudice.

Respectfully submitted,

  
Joseph T. Nabor  
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle, Suite 1600  
Chicago, IL 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007

*Attorney for Opposer*

  
Anna Vishev  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036  
Telephone: 212.596.0510  
Facsimile: 212.382.0888

*Attorney for Applicant*

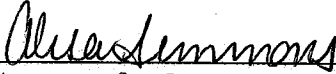
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing, Consented Motion to Amend Application, Suspend Proceeding, and Then Withdraw the Opposition Upon Entry of Amendment, has been served upon Attorney for Applicant:

Anna Vishev  
avishev@ostolenk.com  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036

Attorney for Applicant

via email on this 3<sup>rd</sup> day of October, 2008.

  
\_\_\_\_\_  
Attorney for Opposer  
The Chamberlain Group, Inc.