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Filing date: **04/03/2008**

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

Proceeding	91181268
Party	Defendant Overture Development Group, LLC
Correspondence Address	JON M. GIBBS AKERMAN SENTERFITT 420 S ORANGE AVE STE 1200 ORLANDO, FL 32801-4904 UNITED STATES
Submission	Motion to Amend Application
Filer's Name	Jon M. Gibbs, Reg. No. 47,594
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Signature	/Jon M. Gibbs/
Date	04/03/2008
Attachments	Consented Motion for Amendment to Recitation of Services (O1275612).PDF (3 pages)(15593 bytes)

Opposition No.: 91181268
Serial No.: 78/907,215
Mark: CONSERVATORY and Design

FILED April 3, 2008
ELECTRONIC FILING VIA ETSA

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

CONSERVATORY SENIOR)	
RESIDENCES, LTD,)	
Opposer,)	Opposition No.: 91181268
)	
)	Serial No.: 78/907,215
v.)	
)	Mark: CONSERVATORY and Design
OVERTURE DEVELOPMENT)	
GROUP, LLC,)	Application Date: June 13, 2006
Applicant,)	
_____)	

BOX: T.T.A.B.
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S CONSENTED MOTION
TO AMEND RECITATION OF SERVICES

Applicant, OVERTURE DEVELOPMENT, LLC ("Applicant"), by and through its undersigned attorneys, hereby respectfully requests an amendment to the recitation of services in United States Trademark Application Serial No. 78/907,215 (the "'215 Application") and states as follows:

1. The Notice of Opposition, filed by CONSERVATORY SENIOR RESIDENCES, LTD. ("Opposer") on October 1, 2007.
2. The parties have engaged in settlement discussions and have agreed in principle on settlement terms which include an amendment to the recitation of services in '215 Application.
3. Settlement of the underlying Opposition is also contingent on the acceptance and entry of the Amendment by the T.T.A.B.

4. The current recitation services for the '215 Application is:

"Building leasing; Building management; Real estate equity sharing, namely, managing and arranging for co-ownership of real estate" in International Class 036.

5. Applicant respectfully requests and Opposer does not oppose Applicant's request

that the T.T.A.B. accept and enter the following amended recitation of services:

"Environmentally friendly building leasing; environmentally friendly building management; Real estate equity sharing, namely, managing and arranging for co-ownership of real estate containing environmentally friendly buildings" in International Class 036.

WHEREFORE, Applicant respectfully requests the T.T.A.B. accept and enter the foregoing amendment to the recitation of services.

Respectfully submitted,

AKERMAN SENTERFITT

Date: April 3, 2008
Docket No.: 40197/183545

/Jon M. Gibbs/
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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the APPLICANT'S CONSENTED MOTION TO AMEND RECITATION OF SERVICES was served upon Opposer via first class mail by mailing in a postage prepaid envelope deposited in a box under the custody of the U.S. Postal Service this 3rd day of April 2008, addressed to Rodney M. Anderson, Anderson, Levine & Lintel, LLP, 14785 Preston Road, Suite 650, Dallas, Texas 75254.

/Jon M. Gibbs/
Jon M. Gibbs, Reg. No. 47,594