

ESTTA Tracking number: **ESTTA281131**

Filing date: **04/30/2009**

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

Proceeding	91183722
Party	Defendant Eighty-Eight, LLC
Correspondence Address	NICHELLE NICHOLAS LEVY ROBINSON BRADSHAW & HINSON 101 NORTH TRYON STREET, Ste 1900 CHARLOTTE, NC 28246 UNITED STATES rcameron@rbh.com
Submission	Motion to Amend Application
Filer's Name	Robert H. Cameron
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Date	04/30/2009
Attachments	88 Stylized Motion to Amend.pdf (3 pages)(94902 bytes)

Eighty-Eight has requested and has received a consent to this motion from Opposer's counsel, Colin O. Miwa, Esq., in correspondence dated April 29, 2009. Eighty-Eight requests this amendment to the identification of goods in the Application pursuant to a Coexistence Agreement entered into by Eighty-Eight and Opposer dated April 17, 2009 in which the parties agreed that by limiting the scope of the Application (and usage of the mark), that their dispute could be resolved amicably.

Accordingly, the parties request that the Board approve this amendment and remand the Application to the Examining Attorney.

A copy of this motion on consent is being sent to Opposer's counsel.

Respectfully submitted,
ROBINSON, BRADSHAW & HINSON, P.A.

By:



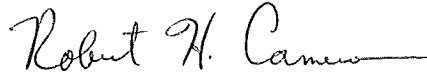
Robert H. Cameron, Esq.
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Attorney for Eighty-Eight, LLC
Email: rcameron@rbh.com

Dated: April 30, 2009

CERTIFICATE OF SERVICE

I certify that a the foregoing *Applicant's Motion on Consent to Request Amendment of Application*, was served on Opposer by mailing a copy by first class mail, postage prepaid, and by sending a copy by facsimile on the 30th day of April, 2009, to Opposer's counsel at the following address:

Colin O. Miwa, Esq.
Cades Schutte LLP
1000 Bishop Street
12th Floor
Honolulu, Hawaii 96813



Robert H. Cameron