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Filing date: **07/23/2012**

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

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|------------------------|---|
| Proceeding | 91193491 |
| Party | Defendant Telefonica, S.A. |
| Correspondence Address | CHARLES P LaPOLLA OSTROLENK FABER GERB & SOFFEN LLP 1180 AVENUE OF THE AMERICAS , FLOOR 7 NEW YORK, NY 10036-8443 UNITED STATES clapolla@ostrolenk.com, smcmahon@ostrolenk.com |
| Submission | Other Motions/Papers |
| Filer's Name | CHARLES P. LAPOLLA |
| Filer's e-mail | clapolla@ostrolenk.com, smcmahon@ostrolenk.com |
| Signature | /CPL/ |
| Date | 07/23/2012 |
| Attachments | 4043-493 - Stipulated Motion of Amendment and Contingent Dismissal.pdf (3 pages)(117869 bytes) |

--Automatic vending machines and parts thereof; cash registers, calculators, television screens, telephonic apparatus in the nature of telephones, mobile telephones; transmitters and receivers of sound and images, automatic telephone exchanges, telephones, automatic answering machines--

It is respectfully submitted that the requested amendment consists only of a deletion of the references to certain goods and not an addition to or expansion of the statement of goods and, that the requested amendment should be accepted. No amendments to the statements of services in Int. Classes 38 or 41 of Applicant's application Serial No. 78/812,301 are being sought by the parties.

2. Assuming the acceptance of the aforementioned amendment to the statement of goods in Int. Class 9 of Applicant's application Serial No. 78/812,301 and contingent thereon, the Notice of Opposition asserted by Opposer and the Counterclaim for Cancellation of Registration No. 2,865,458 asserted by Applicant should be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a) (1)(A)(ii).

Respectfully submitted,



Charles P. LaPolla
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Tel: (212) 382-0700
Fax: (212) 382-0888
Email: clapolla@ostrolenk.com

Attorneys for Applicant
TELEFONICA, S.A.

Date

7/23/12

/Belinda J. Scrimenti/

Belinda J. Scrimenti
PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
Tel: (312) 554-8000
Fax: (312) 554-8015
Email: bscrimenti@pattishall.com

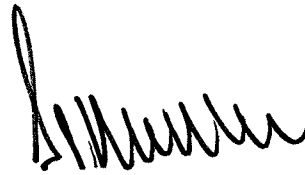
Attorneys for Opposer
ATI TECHNOLOGIES ULC

Date: July 20, 2012

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing STIPULATED MOTION FOR AMENDMENT OF APPLICATION AND, CONTINGENT THEREON, FOR DISMISSAL OF PROCEEDINGS has been served upon counsel for Opposer by email and first class mail postage prepaid on this 23rd day of July, 2012 as follows:

Belinda J. Scrimenti, Esq.
PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
Email: bscrimenti@pattishall.com



Sean P. McMahon