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

Proceeding	91199964
Party	Plaintiff RalphAnderl, ic! berlin brillen GmbH
Correspondence Address	TERESA C TUCKER GROSSMAN TUCKER PERREAULT & PFLEGER PLLC 55 S COMMERCIAL STREET MANCHESTER, NH 03101 UNITED STATES ttucker@gtp.com
Submission	Other Motions/Papers
Filer's Name	Teresa C. Tucker
Filer's e-mail	ttucker@gtp.com
Signature	/tct/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application Serial No. 85046084

Trademark: ic, stylized

RALPH ANDERL, IC! BERLIN)	
BRILLEN GMBH)	
)	
Opposers,)	
)	Opposition No. 91199964
v.)	
INSPEC INTERNATIONAL)	
LIMITED)	
Applicant)	

OPPOSER’S RESPONSE TO PROPOSED AMENDMENT AND REQUEST FOR RECONSIDERATION OF ENTRY OF AMENDMENT

Opposers, Ralph Anderl and ic! Berlin Brillen, GmbH, hereby request that the amendment to the opposed Application Serial No. 85046084 not be entered as ordered by the Board May 29, 2012.

Opposers and Applicant negotiated an agreement which was finalized and executed by the parties in February, 2012 (“Agreement”). In the Agreement, the parties did not agree that Applicant may amend the opposed application, but included terms by which Applicant may file new applications identifying specific limited goods and that the parties would seek suspension of the opposition proceedings pending acceptance of the new applications.

Contrary to the Agreement, Applicant filed with the Board a request to amend the opposed Application on April 16, 2012. Applicant’s request stated that “The two parties have reached agreement whereby if the application for the certification mark is amended, the opposition will be withdrawn.” The Amendment did not include a certificate of service on

Opposers' counsel. The requested amendment is contrary to the Agreement between the parties. The Amendment was not accepted, and Applicant filed a further request for Amendment on May 18, 2012, again contrary to the Agreement, and again not providing a copy to Opposers' counsel.

Furthermore, the amended identification of goods sought by Applicant is different from the limited identification as agreed to by the parties with respect to the new applications intended by the terms of the Agreement.

As the amendment requested and accepted by the Board is contrary to the Agreement between the parties, Opposers request reconsideration of the Board's acceptance thereof.

Opposer requests that the proceedings resume against the Application as it was published for opposition.

Respectfully submitted,

Date: June 25, 2012

By /tct/

Teresa C. Tucker
Attorney for Opposers
GROSSMAN, TUCKER, PERREAULT
& PFLEGER PLLC
55 S. Commercial Street
Manchester NH 03101
(603)668-6560
ttucker@gtp.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been emailed this 25th day of June, 2012, to Applicant's representative, Paul Clarke, at paul.clarke@inspec-international.com

By: /tct/