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

Proceeding	91207022
Party	Defendant Calvert Enterprises, Inc.
Correspondence Address	KONRAD GATIEN STUBBS ALDERTON & MARKILES LLP 1453 3RD ST PROMENADE, SUITE 310 SANTA MONICA, CA 90401 UNITED STATES uspto@stubbsalderton.com, kgatien@stubbsalderton.com
Submission	Other Motions/Papers
Filer's Name	Konrad Gatien
Filer's e-mail	uspto@stubbsalderton.com, kgatien@stubbsalderton.com
Signature	/s/
Date	10/06/2014
Attachments	91207022 Response to Board Order.pdf(31191 bytes)

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

In re Application Nos. 85441320 and 85441324

Johnson & Johnson and)	
RoC International s.a.r.l.)	
)	Opposition No. 91207022
Opposers,)	
)	
v.)	
)	
Calvert Enterprises, Inc.,)	
)	
Applicant.)	
_____)	

RESPONSE TO BOARD’S ORDER

Applicant, Calvert Enterprises, Inc. (“Calvert”), and Opposers, Johnson & Johnson and RoC International s.a.r.l. (“Opposers”), are in receipt of the Board’s October 2, 2014 Order (“Order”) finding that “Applicant’s proposed amendment of the drawing of its mark does not constitute an impermissible material alteration to the mark,” but declining to approve the proposed amendment absent the submission within twenty days of a proposed stipulated amendment of the description of the mark to correspond with the amended drawing of the mark.

I. STIPULATED AMENDMENT OF DESCRIPTION OF DRAWING MARK

In response to the Board’s Order, Applicant and Opposers respectfully submit the following proposed amendment of the description of the mark:

Current Description:

The mark consists of the word “rox” above the word “spa” separated by a broken line where the leg of the letter “r” extends to the base of the line.

Amended Description:

The mark consists of the words “rox” and “spa” appearing together in stylized lowercase letters.

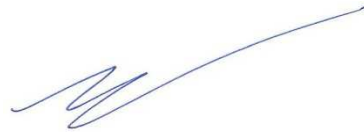
Based on the foregoing, Applicant and Opposers respectfully request that the Board approve the amended description of the mark.¹

II. STATEMENT OF CONSENT

Applicant has secured the express consent of all other parties to these Proceedings for this stipulation and the amendments requested herein.

Applicant has provided an e-mail address herewith for itself and for the opposing parties so that any order on this stipulation may be issued electronically by the Board.

Respectfully submitted,



Dated: October 6, 2014

Konrad K. Gatien
Stubbs Alderton & Markiles, LLP
Attorneys for Applicant
Calvert Enterprises, Inc.
1453 3rd Street Promenade, Suite 300
Santa Monica, California 90401
Telephone: (310) 746-9800
Facsimile: (310) 746-9820

¹ Applicant and Opposers respectfully request that the proposed amendment be incorporated into the co-pending Opposition Proceeding No. 91206910 regarding Application Ser. No. 85441315.

CERTIFICATE OF SERVICE

It is hereby certified that I served a true and correct copy of the foregoing document entitled:

STIPULATED AMENDMENT OF DESCRIPTION OF
DRAWING MARK

on Opposers and their counsel of record, Drinker Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005, by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on this 6th day of October 2014.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 6, 2014, at Los Angeles, California



Traci Escamilla