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Filing date: **05/27/2014**

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

Proceeding	91212283
Party	Defendant Kelly & Associates Financial Services, Inc.nc.
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Signature	/MTO/
Date	05/27/2014
Attachments	Combined Motion for Amendment and Withdrawal with Prejudice with Consent - Opposition 91212283.pdf(129959 bytes)

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

In the matter of Application Serial No. 85/778,798
Mark: KELLY PAYROLL TURRIS FORTHIS MIHI
DEUS & Design

Kelly Services, Inc.

Opposer

v.

Kelly & Associates Financial Services, Inc.

Applicant

Opposition No. 91212283

**COMBINED MOTION FOR AMENDMENT AND WITHDRAWAL WITH
PREJUDICE WITH CONSENT PURSUANT TO 37 C.F.R. §2.106(c) and §2.133(a)**

Pursuant to 37 C.F.R. §2.106(c) and §2.133(a), and pursuant to TBMP §601.01 and §514, and with the consent of Opposer's counsel, Applicant hereby moves the Trademark Trial and Appeal Board ("TTAB") to amend Application Serial No. 85/778,798 and withdraw the present Opposition proceeding with prejudice. The parties have agreed to settle the opposition, pursuant to Applicant's amendment of its application by revising the identified services, and Opposer has consented to Applicant's motion to amend and withdraw.

Accordingly, the Applicant requests that the TTAB amend the identification of services in International Class 35 to delete "**Human resources management**" and "**Providing administrative information for others in the field of human resources via a global computer network,**" which Applicant submits does not exceed the scope of the

identification of services in the application. The following services will remain in the application:

“Business administration services, namely, administration of insurance billing and customer service in the field of insurance benefits; Payroll administration and management services namely, tax deposit filing and reporting, employee time and attendance record keeping and administering agency and third party payments from employee wages; Providing employee benefit and administrative services to employers, namely, retirement plan record keeping” in International Class 35.


Accordingly, Applicant respectfully requests that the Board amend the application to revise the identification of services as requested herein. Applicant submits that the amendment to the application resolves the present dispute pursuant to the settlement agreed upon by the parties.

WHEREFORE, the parties respectfully request that the Board grant this Combined Motion for Amendment and Withdrawal with Prejudice of the opposition proceeding.

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

HARNES, DICKEY & PIERCE, P.L.C.



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Attorneys for Applicant

Attorneys for Opposer

Dated: May 27, 2014

Dated: May 23, 2014

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

In the matter of Application Serial No. 85/778,798
Mark: KELLY PAYROLL TURRIS FORTHIS MIHI
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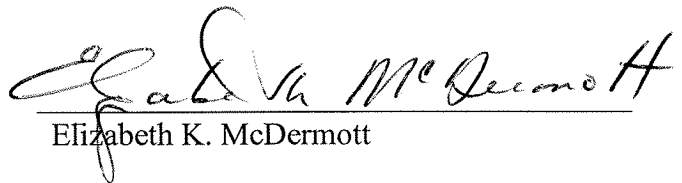
Opposition No. 91212283

Elizabeth K. McDermott declares that on the 27th day of May 2014, she served with consent via E-mail a true and correct copy of

- Combined Motion for Amendment and Withdrawal with Prejudice with Consent Pursuant To 37 C.F.R. §2.106(C) And §2.133(A)

in the above-captioned action to the last known e-mail address to-wit:

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Elizabeth K. McDermott