

ESTTA Tracking number: **ESTTA706949**

Filing date: **11/05/2015**

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

Proceeding	91220952
Party	Defendant DKH Retail Limited
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Date	11/05/2015
Attachments	Mot to Amend - SUPERDRY.pdf(61165 bytes)

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

In the matter of Application Serial No.: 85/755,276
Filed: October 16, 2012
For the mark: SUPERDRY.
Published in the *Trademark Official Gazette* on September 9, 2014

Diamond Cosmetics, Inc.)	
Opposer,)	
)	
v.)	
)	Opposition No. 91220952
DKH Retail Limited)	
)	
Applicant.)	
)	

APPLICANT’S MOTION TO AMEND APPLICATION WITH CONSENT

and

MOTION TO SUSPEND

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 85/755,276 and suspend the Opposition proceeding pending the disposition of this Joint Motion. The parties have agreed to ultimately settle the Opposition pursuant to, *inter alia*, Applicant’s amendment of its application (among other applications and registrations) by deleting portions of the goods, and Opposer has consented to Applicant’s proposed amendment.

Accordingly, the Applicant requests that the TTAB amend the identification of goods descriptions as follows:

- “Cleaning preparations; soaps; body mist; body wash; body spray; body lotions; bubble bath; shower gel; ~~lip gloss; lip balm;~~ essential oils; hair lotions; dentifrices; deodorants for personal use; antiperspirants; deodorants; aftershaves; air fragranting preparations; ~~cosmetics, namely, lipstick, lip liner, non-~~

~~medicated lip plumping preparations, eye shadow, blusher, rouge, face powder, bronzer, foundation, concealer, mascara, eye pencils, eye liner, eye brow pencils, false eyelashes, skin care creams, skin care lotions, eye creams, eye primer, face primer, highlighting face creams, powders and lotions, topical skin sprays for cosmetic purposes, namely, for make-up setting, gel eye liner, tinted moisturizing creams and lotions, bath and beauty creams;~~ all of the foregoing excluding nail care products” in Class 3.

The proposed amendments only delete from, and do not exceed, the scope of the original identification of goods in the application. Accordingly, Applicant respectfully requests that the Board amend the application to revise the identification of goods as requested herein. Applicant submits that the amendment to the application will ultimately resolve the present dispute pursuant to a settlement agreed upon by the parties.

WHEREFORE, Applicant respectfully requests that the Board:

1. Grant Applicant’s Motion to Amend Application Serial No. 85/755,276 with Consent;
2. Suspend Opposition No. 91220952 pending the disposition of Applicant’s Motion to Amend Application with Consent.

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.

/WDA/

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Dated: November 5, 2015

