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Filing date: **05/05/2016**

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

Proceeding	91224340
Party	Defendant Matias Capriz and Elizabeth Capriz
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Date	05/05/2016
Attachments	Document20160505.pdf(124701 bytes)

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

ALPHA INDUSTRIES, INC.,
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Opposer,
:
:
v. : Opposition No. 91224340
:
:
MATIAS CAPRIZ AND
:
ELIZABETH CAPRIZ,
:
:
Applicants. :

**APPLICANTS' MOTION TO AMEND APPLICATION WITH CONSENT
AND STIPULATED REQUEST FOR AN EXTENSION OF TIME TO ANSWER**

Applicants hereby respectfully request that the following amendment to the description of goods in Class 25 for ALPHA PREMIER INC., Serial No. 86/494,892, be made of record:

Proposed new description:

Clothing, namely, athletic wear and sports uniforms, namely, tops, bottoms, shirts, t-shirts, hats, baseball hats, socks, gloves, shorts, pants, coats, pants, shorts and shirts, in each foregoing case, excluding any apparel that are military-inspired clothing.

Amendments (the underlined portions are to be added and the items in brackets deleted):

Clothing, namely, athletic wear and sports uniforms, namely, tops, bottoms, shirts, t-shirts, hats, baseball hats, socks, gloves, shorts, pants, coats, [athletic] pants, [athletic] shorts and [athletic] shirts, in each foregoing case, excluding any apparel that are military-inspired clothing.

The description of services in Classes 28 and 41 shall remain the same.

The parties have resolved their dispute through a settlement agreement and the above amendment is being requested pursuant thereto. The foregoing amendment clarifies that the clothing

items in Class 25 are athletic clothing and sports uniforms, which specifically exclude any apparel that are military-inspired in style. Said amendment does not expand the scope of the original description of goods in Class 25, but simply limits and clarifies the same. Accordingly, said amendment is proper and should be permitted. Opposer, by its undersigned counsel confirms its consent to the above amendment. Accordingly, Applicants submits that the Board enter the amendment, after which this opposition will be withdrawn.

To give the parties time to conclude this matter with the aforementioned amendment, Applicants requests that it be granted a 30 day extension of time to file its answer. Opposer, through its undersigned counsel, consents to this extension request.

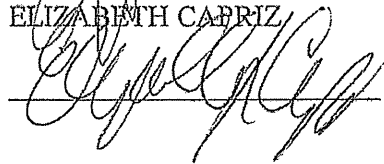
Respectfully submitted,

MATIAS CAPRIZ



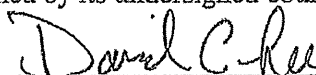
Date: 05/03/2016

ELIZABETH CAPRIZ



Date: 5/3/2016

Opposer's Consent to the foregoing confirmed by its undersigned counsel:



Date:

May 4, 2016

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANTS' MOTION TO AMEND APPLICATION WITH CONSENT AND STIPULATED REQUEST FOR AN EXTENSION OF TIME TO ANSWER was served *via* email pursuant to the parties' agreement on the following counsel for Opposer:

David C. Lee
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Dated: 05/05, 2016

By: 

MATIAS CAPRIZ