

ESTTA Tracking number: **ESTTA772583**

Filing date: **09/23/2016**

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

Proceeding	91226487
Party	Defendant Zelickson, Michael, Murphy, Benjamin
Correspondence Address	ZELICKSON, MICHAEL 2123 Brookhaven Vw NE Atlanta, GA 30319-5401 alexa@adamsiplaw.com
Submission	Other Motions/Papers
Filer's Name	Alexa Stabler-Adams
Filer's e-mail	alexa@adamsiplaw.com
Signature	/Alexa Stabler-Adams/
Date	09/23/2016
Attachments	Amendment and Withdrawal.pdf(70231 bytes)

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

ALK TECHNOLOGIES, INC.

Opposer,

v.

MICHAEL ZELICKSON and
BENJAMIN MURPHY

Applicants.

Opposition No. 91226487

**APPLICANTS' AMENDMENT OF APPLICATION WITH CONSENT AND
AGREEMENT TO WITHDRAWAL OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.133 and T.B.M.P. § 514.02, Applicants Michael Zelickson and Benjamin Murphy (hereinafter "Applicants") hereby amend the goods in Application Serial No. 86/656,426 as follows (underlined portion denotes changes):

International Class 9:

Computer application software for mobile phones, namely, software for parents to better monitor their children and prevent cell phone use while driving by limiting access to applications and contacts, which application software excludes the provision of navigational assistance.

As reflected by the signature of counsel for Opposer ALK Technologies, Inc. (hereinafter "Opposer") below, Opposer consents to this amendment.

Applicants submit that the foregoing amendment clarifies and/or limits, but does not broaden, the identification of goods pursuant to 37 C.F.R. § 2.71(a).

Applicants accordingly respectfully request that the Board approve the amendment without republication of the mark.

As reflected by the signature of Opposer's counsel below, Opposer hereby withdraws its opposition to the subject application, conditioned, however, on the acceptance and entry of the foregoing amendment. This withdrawal is made prior to the filing of an answer to the notice of opposition and as reflected by the signature of Applicants' counsel below, this withdrawal is with Applicants' consent pursuant to 37 C.F.R. § 2.106(c).

WHEREFORE, Applicants and Opposer respectfully request that the subject application, Serial No. 86/656,426, be amended as stated above and that the opposition be dismissed.

Dated: September 23, 2016

Respectfully submitted,

By: /gah/
Gary A. Hecht
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
Phone: (215) 299-2416
ghecht@foxrothschild.com

Attorney for Opposer,
ALK TECHNOLOGIES, INC.

By: /Alexa Stabler-Adams/
Alexa Stabler-Adams
AdamsIP, LLC
300 Dauphin Street, Suite 200
Mobile, Alabama 36602
Phone: (251) 289-9787
alexa@adamsiplaw.com

Attorney for Applicants,
MICHAEL ZELICKSON and
BENJAMIN MURPHY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANTS' AMENDMENT OF APPLICATION WITH CONSENT AND AGREEMENT TO WITHDRAWAL OF OPPOSITION has been served on Opposer via electronic mail on September 23, 2016 to:

Gary A. Hecht
Ryan Miller
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
ghect@frof.com

By: /Alexa Stabler-Adams/
ALEXA STABLER-ADAMS