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

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|---|---|
| Proceeding | 91226858 |
| Party | Plaintiff<br>Human Touch, LLC |
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| Submission | Other Motions/Papers |
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| Signature | /THOMAS DOVER/ |
| Date | 09/22/2016 |
| Attachments | QUE001-04e-Motion for Post Publication Amendment.pdf(152422 bytes ) |

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

In the matter of Application Serial No. 86/169,627
Published in the Official Gazette on November, 24, 2015
For the mark IJOY

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|---|---|
| HUMAN TOUCH, LLC,<br><br>Opposer,<br><br>v.<br><br>SROUR IKEY,<br><br>Applicant. | Opposition No. 91226858 |

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION AMENDMENT; (b) TO NARROW APPLICANT'S GOODS DESCRIPTION; (c) TO SUSPEND PROCEEDINGS; and (d) TO CONDITIONALLY STIPULATE TO DISMISSAL**

The parties have entered into an agreement to resolve this opposition proceeding. Pursuant to that agreement, Opposer and Applicant hereby move to amend by post-publication amendment Application Serial No. 86/169,627 that is the subject of this opposition proceeding (the "Application"); to narrow the goods description in the Application; to suspend proceedings while the Board approves of the amendments; and, pending the Board's approval of the amendments, to dismiss the opposition proceeding.

Specifically, Applicant requests that the identification of goods in International Class 9 contained in Application Serial No. 86/169,627 be amended, narrowing the goods description from:

> Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; **Batteries and battery chargers**; Battery cases; **Battery charge devices; Battery chargers**; wireless cellular phone headsets; wireless indoor and outdoor speakers; Carrying cases for cell phones; Carrying cases for radio pagers; Carrying cases specially adapted for pocket calculators and cellphones; Cases for mobile phones; Cases for telephones; Cell phone backplates; Cell phone battery chargers for use in vehicles; Cell phone battery chargers; Cellular phone accessory charms; **Chargers for batteries; Chargers for electric batteries**; electric charging cables for mobile devices; Decorative charms for cellular telephones; Decorative ornaments for cellular telephones; Head-clip cell phone holders; Leather protective covers specially adapted for personal electronic devices, namely, cell phones, tablet computer; Protective cases for cell phones, laptops and portable media players; Vinyl covers specially adapted for cell phones, laptops, computers, portable satellite radios, personal digital assistants, **remote controls.**

To the revised:

> Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Batteries and battery chargers **for cell phones;** Battery cases; wireless cellular phone headsets; wireless indoor and outdoor speakers; Carrying cases for cell phones; Carrying cases for radio pagers; Carrying cases specially adapted for pocket calculators and cellphones; Cases for mobile phones; Cases for telephones; Cell phone backplates; Cell phone battery chargers for use in vehicles; Cell phone battery chargers; Cellular phone accessory charms; electric charging cables for mobile devices; Decorative charms for cellular telephones; Decorative ornaments for cellular telephones; Head-clip cell phone holders; Leather protective covers specially adapted for personal electronic devices, namely, cell phones, tablet computer; Protective cases for cell phones, laptops and portable media players; Vinyl covers specially adapted for cell phones, laptops, computers, portable satellite radios, personal digital assistants.

Opposer consents to the proposed amendments. Since the proposed amendments are in the nature of limitations to the Application's goods description, no re-publication should be required and the amendments should therefore be permissible. TBMP § 514; 37 CFR § 2.133; 37 CFR § 2.71; 37 CFR § 2.74. The parties request suspension of this opposition proceeding, pending the Board's review of the foregoing amendments. TBMP § 510; 37 CFR § 2.117.

The parties further consent that upon the approval and entry of the proposed amendments by the Board, this opposition proceeding shall subsequently be dismissed.

Dated: September 22, 2016

Respectfully Submitted,

**NOSSAMAN LLP**

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**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION AMENDMENT; (b) TO NARROW APPLICANT'S GOODS DESCRIPTION; (c) TO SUSPEND PROCEEDINGS; and (d) TO CONDITIONALLY STIPULATE TO DISMISSAL** has been served on Michael J. Feigin, counsel for the current owner of Application Serial No. 86/169,627 as listed in the USPTO database, on September 22, 2016, via First Class U.S. Mail, postage prepaid to:

MICHAEL J. FEIGIN
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__/THOMAS DOVER/___
THOMAS DOVER