

ESTTA Tracking number: **ESTTA868722**

Filing date: **01/03/2018**

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

Proceeding	91238117
Party	Defendant Kelly Brown Design Inc.
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Submission	Other Motions/Papers
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Date	01/03/2018
Attachments	Joint Motion to Amend and Dismiss.pdf(105287 bytes)

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

In the matter of Application Ser. No.: 87/505,380
Filed: June 26, 2017
For the mark: PEPPER
Published in the Trademark Official Gazette on October 31, 2017

Peter Pepper Products, Inc.,

Opposer,

v.

Kelly Brown Design, Inc.,

Applicant.

Opposition No. 91238117

**CONSENTED MOTION TO AMEND U.S. APPLICATION SERIAL NO. 87/505,380
AND DISMISS OPPOSITION WITHOUT PREJUDICE**

Pursuant to 37 C.F.R. § 2.133(a) (2017), Kelly Brown Design, Inc. ("Applicant") hereby requests that the Board approve its amendment to the identification of goods and services described in its pending application to register PEPPER (Application Ser. No. 87/505,380), which is currently the subject of an opposition filed by Peter Pepper Products, Inc. ("Opposer") (Opposition No. 91238117). The amendment is as follows:

~~(International Class 020) Furniture; pillows; mirrors; photo frames~~

(International Class 024) Textile fabrics for home and commercial interiors; fabrics for textile use; textile fabrics for the manufacture of clothing; sheet sets; duvets; curtains

So as to read:

(International Class 024) Textile fabrics for home and commercial interiors; fabrics for textile use; textile fabrics for the manufacture of clothing; sheet sets; duvets; curtains

Opposition No. 91238117

The requested amendment conforms with 37 C.F.R. § 2.71(a) (2017) because it limits the goods and services identification. This Motion is made as part of the settlement of Opposition No. 91238117 and with Opposer's consent.

Conditioned upon the Board's acceptance of the proposed amendments, the parties consent to the express withdrawal of the above-identified Opposition without prejudice.

This Motion is filed with the express consent of Opposer's counsel.

(SIGNATURES ON FOLLOWING PAGE)

Respectfully submitted,

MCCARTER & ENGLISH LLP

Date

1/3/2018

By



Scott M. Smedresman

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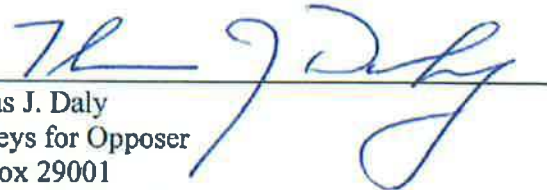
Respectfully submitted,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

Date

1/3/2018

By



Thomas J. Daly

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SAW/saw

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Amend U.S. Application Serial No. 87/505,380 and Dismiss Opposition without Prejudice was served by e-mail and deposited with the U.S. Postal Service, postage prepaid via First-Class Mail®, on the date indicated below, upon the following:

Thomas J. Daly
LEWIS ROCA ROTHGERBER CHRISTIE LLP
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Dated this 3rd day of January, 2018.

/s/ Scott Smedresman