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

Proceeding	91244806
Party	Defendant Martell Broadcasting Systems, Inc.
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Attachments	10464-0002 Consented Motion.pdf(160079 bytes )

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

PUBLICIS MEDIA LIMITED,	)	
	)	
	)	Opposition No. 91244806
Opposer,	)	
	)	Application Serial No. 87/716,741
v.	)	
	)	Mark: ZENITHER
MARTELL BROADCASTING	)	
SYSTEMS, INC.,	)	
	)	
Applicant.	)	
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**CONSENTED MOTION**

Applicant, MARTELL BROADCASTING SYSTEMS, INC. (“Applicant” or “MBS”), by and through undersigned counsel, hereby respectfully moves to amend its identification of goods and services pursuant to the Settlement Agreement (“the Agreement”), entered into between Applicant and Opposer, PUBLICIS MEDIA LIMITED (“Opposer”), and in support thereof states as follows:

1. Pursuant to the Agreement, counsel for Applicant shall request to amend its identification of goods and services for U.S. Trademark Serial No. 87/716,741 (“the MBS Application”) to the following:

Class 9: Downloadable software for streaming music, video, and audiovisual content on mobile phones, tablets, personal computers, and televisions.

~~Class 35: Providing a website where advertisers, marketers, and content providers can reach, engage, and interact with online users for the purposes of promotion or advertising; market research services in the nature of tracking and measuring audience viewing, exposure, and reaction to online and television advertisements; preparing market reports and studies from collected marketing information and research; developing and providing marketing programs for advertisers, marketers, and content providers.~~

Class 38: Broadcasting of video and audio programming of entertainment content via the internet and electronic communications networks, namely, movies, television programs, and video clips in the fields of comedy, drama, educational, action, adventure, sports, musicals, current events, news, documentaries, and animation over the Internet.

Class 41: Provision of non-downloadable movies, television programs, and video clips via a video-on demand service; entertainment services in the nature of providing non-downloadable entertainment content via the internet and electronic communications networks, namely, movies, television programs, and video clips in the fields of comedy, drama, educational, action, adventure, sports, musicals, current events, news, documentaries, and animation.

Class 42: Providing temporary use of online non-downloadable software for streaming audio and video content on mobile phones, tablets, personal computers, and televisions; cloud storage services, namely, providing electronic data storage accessible via the internet of electronic media, namely, music, video, and audiovisual content ~~providing temporary use of on-line non-downloadable software for analyzing media data, compiling email lists, selling advertising inventory, and communicating with users.~~

2. Pursuant to 37 C.F.R. § 2.133, “any application subject to an opposition may not be amended, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board.”

3. Opposer has consented to the amendment of the MBS Application in connection with the Agreement between Applicant and Opposer.

WHEREFORE, Applicant, MARTELL BROADCASTING SYSTEMS, INC., respectfully moves this Board for an Order Granting the Consented Motion, and for such other and further relief the Court deems just and proper.

Dated: July 11, 2019

Respectfully submitted,

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