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

Proceeding	91250353
Party	Defendant Mark's Work Wearhouse Ltd.
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Submission	Motion to Amend Application
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Date	05/11/2021
Attachments	Consent Motion to Amend Applications and Conditional Withdrawal of Op positions.pdf(217919 bytes )

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

The Men’s Wearhouse, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91263692
	)	Serial No. 88648121
Mark’s Work Wearhouse Ltd.,	)	Mark: MARK’S WORK WEARHOUSE
	)	
Applicant.	)	
	)	
	)	

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and

The Men’s Wearhouse, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91250353
	)	Serial No. 88034113
Mark’s Work Wearhouse Ltd.,	)	Mark: WORK WEARHOUSE
	)	
Applicant.	)	
	)	
	)	

**CONSENT MOTION TO AMEND APPLICATIONS AND CONDITIONAL  
WITHDRAWAL OF OPPOSITIONS**

Under 37 C.F.R. § 2.133(a), Applicant Mark’s Work Wearhouse Ltd., hereby moves to amend the identification of goods and services in U.S. Trademark Application Ser. No. 88648121 to read as follows (additions in **bold**):

**International Class 35: retail department store services; none of the foregoing to include men’s formalwear, namely men’s business suits, formal suits, formalwear sport coats, and tuxedos.**

Applicant Mark's Work Wearhouse Ltd., also hereby moves to amend the identification of goods and services in U.S. Trademark Application Ser. No. 88034113 to read as follows

(additions in **bold**):

International Class 35: retail store services and online retail store services in the fields of apparel, footwear, headwear, safety and industrial clothing, headwear and safety footwear, and eyewear, safetywear, and clothing accessories; **none of the foregoing to include men's formalwear, namely men's business suits, formal suits, formalwear sport coats, and tuxedos.**

As indicated by the signature of The Men's Wearhouse, Inc.'s counsel below, Opposer consents to these amendments.

Applicant submits that the foregoing amendments do not add goods/services to or broaden the scope of the goods/services identified in the application, but instead narrow them. As such, neither republication of the marks nor further examination of the marks is required as a result of the amendments. Accordingly, Applicant respectfully requests that the amendments be approved without republication of the marks.

Contingent upon the acceptance of the aforementioned amendments, Opposer hereby withdraws the captioned oppositions with prejudice.

**WHEREFORE**, Applicant and Opposer move that the subject applications be amended as stated herein and that the oppositions be dismissed with prejudice.

Dated: May 11, 2021

Respectfully submitted,

**BARNES & THORNBURG LLP**

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*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing CONSENT MOTION TO AMEND APPLICATIONS AND CONDITIONAL WITHDRAWAL OF OPPOSITION has been served on The Men's Wearhouse, Inc. by forwarding said copy on May 11, 2021, via email, to its counsel of record:

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/s/ Jonathan P. Froemel  
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