

ESTTA Tracking number: **ESTTA1052480**

Filing date: **04/30/2020**

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

Proceeding	91251648
Party	Defendant Owen Mumford Limited
Correspondence Address	AMY C ZIEGLER GREER BURNS & CRAIN LTD 300 SOUTH WACKER DR STE 2500 CHICAGO, IL 60606 UNITED STATES tmdocket@gbc.law 312-360-0080
Submission	Motion to Amend Application
Filer's Name	Allyson Martin
Filer's email	amartin@gbc.law
Signature	/Allyson Martin/
Date	04/30/2020
Attachments	Motion to Amend and Dismiss Opposition.pdf(107776 bytes )

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

In the Matter of Application Serial No.:	)	
79/227,833	)	
	)	
For the mark – ATERIA	)	
	)	
ATERICA, INC.	)	Opposition No.:
	)	<b>91251648</b>
	)	
Opposer,	)	
	)	
v.	)	
	)	
OWEN MUMFORD LIMITED	)	
	)	
Applicant.	)	

**MOTION TO AMEND APPLICATION AND  
DISMISS OPPOSITION WITH CONSENT**

Applicant, Owen Mumford Limited, with the consent of Aterica, Inc. (“Opposer”), hereby requests the following amendment to the identification of goods and services of Application Serial No. 79/227,833, in International Class 10:

International Class 10: unfilled safety syringes; lancets; lancing medical devices; single use lancing medical devices; disposable lancets for finger puncture; unfilled needles for medical purposes; unfilled medical pen needles; and unfilled medical syringes, excluding: unfilled auto-injector medical syringes, smart devices, and devices that incorporate a sensor and/or instrumentation.

Applicant submits that the proposed amendment consists of narrowing of the identification of goods and services and is in accordance with 37 CFR § 2.133.

Upon approval of the proposed amendments to Application Serial No. 79/227,833, Opposer, with Applicant's consent, requests that the Opposition against Application Serial No. 79/227,833 be dismissed without prejudice. Dismissal of the Opposition is conditioned upon acceptance of Applicant's proposed amendment to Application Serial No. 79/227,833.

WHEREFORE, Applicant, with Opposer's consent, requests that the foregoing amendment to the identification of goods in Application Serial No. 79/227,833 be granted and ordered and Opposer, with Applicant's consent, requests that the Opposition against Application Serial No. 79/227,833 be dismissed without prejudice.

Respectfully submitted,

Owen Mumford Limited

Aterica, Inc.

By: /Allyson M. Martin/

Amy C. Ziegler  
Allyson M. Martin  
Greer, Burns & Crain, Ltd.  
300 South Wacker Drive, Suite 2500  
Chicago, IL 60606

By: /Erik J. Osterrieder/

Erik J. Osterrieder  
Rao DeBoer Osterrieder, PLLC  
1334 Brittmoore Rd., Suite 2401  
Houston, TX 77043

Dated: April 30, 2020

Dated: April 30, 2020

**CERTIFICATE OF SERVICE**

This hereby certifies that the foregoing **MOTION TO AMEND APPLICATION AND DISMISS OPPOSITION WITH CONSENT** was served and addressed to counsel for Aterica, Inc. via email to the following email addresses of record:

Erik J. Osterrieder  
Rao DeBoer Osterrieder, PLLC  
1334 Brittmoore Rd., Suite 2401  
Houston, TX 77043  
erik@rdoip.com, sarah@rdoip.com

on this April 30, 2020.

/Allyson M. Martin/\_\_\_\_\_