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Filing date: **12/23/2019**

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

Proceeding	91252614
Party	Defendant VALAGRO S.p.A.
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Submission	Motion to Amend Application
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Date	12/23/2019
Attachments	Wilbur-Ellis v. Valagro - 91252614 - motion to amend application.pdf(86109 bytes)

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

WILBUR-ELLIS COMPANY LLC	:	
	:	
Opposer	:	
	:	
v.	:	Opposition No. 91252614
	:	
VALAGRO S.P.A.	:	
	:	
Applicant	:	

JOINT MOTION TO AMEND APPLICATION

AND

STIPULATION TO SUSPEND OPPOSITION PENDING AMENDMENT REVIEW

Pursuant to 37 C.F.R. §2.133 and to TBMP §§ 212.07, 514.01, and 514.02, Applicant Valagro S.p.A. (“Applicant”), requests the following amendment to the list of goods in US Application S/N 88/297,217 for the mark MC SET (changes shown in *bold, italics*):

“fertilizers for agriculture, *namely, fertilizers based on micronutrients with seaweed extracts*” in Int. Class 1

It is respectfully submitted that the foregoing amendment do not require republication of Application S/N 88/297,217 as the amendment adopts an identification that is narrower in scope than the published identification, and there is no material difference in the nature of the goods.

Opposer Wilbur-Ellis Company LLC (“Opposer”) expressly consents to the foregoing amendment of Application S/N 88/297,217 for the mark MC SET.

Further, pursuant to 37 C.F.R. § 2.117(c), TBMP §§ 510.03(a), et seq., and any other applicable rules, the parties, by and through their counsel of record, hereby stipulate to suspend Opposition No. 91252614 pending the outcome of the TTAB’s approval of the foregoing

amendment of Application S/N 88/297,217 for the mark MC SET.

The parties have resolved all issues in the Opposition pursuant to a settlement agreement. Thus, in light of the foregoing, good cause exists to suspend the Opposition proceeding pending consideration of the foregoing amendment.

Respectfully Submitted,

Dated: December 23, 2019

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Dated: December 23, 2019

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the JOINT MOTION TO AMEND APPLICATION AND STIPULATION TO SUSPEND OPPOSITION PENDING AMENDMENT REVIEW has been served on Attorneys for Opposer, as listed below, by e-mail to the address below:

rtroxel@tmassoc.com

on December 23, 2019

Diore Gulicci