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

Proceeding	91253934
Party	Defendant Thomas Hans
Correspondence Address	SCOTT SISUN SISUN LAW 135 MADISON AVE FL 5 NEW YORK, NY 10016 UNITED STATES Primary Email: scott@sisunlaw.com Secondary Email(s): uspto@sisunlaw.com, paralegal@sisunlaw.com 347-913-7800
Submission	Other Motions/Papers
Filer's Name	Scott Sisun
Filer's email	scott@sisunlaw.com, uspto@sisunlaw.com, paralegal@sisunlaw.com
Signature	/scottsisun/
Date	07/30/2020
Attachments	AMENDED CONSENTED AMENDMENT TO THE IDENTIFICATION OF SERVICES AND STIPULATED WITHDRAWAL OF OPPOSITION.pdf(79810 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE^[1] BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD

In the Matter of United States Application Serial No. 88463247
For the Mark 10X CAPITAL

Ten-X, Inc. :
Opposer, : Opposition No. 91253934
v.
Thomas Hans :
Applicant. :

AMENDED CONSENTED AMENDMENT TO THE IDENTIFICATION OF SERVICES AND
STIPULATED WITHDRAWAL OF OPPOSITION

The TTAB issued an Order on July 28, 2020 requiring a red-line copy of the proposed amendment. Applicant hereby amends this Consented Amendment to the Identification of Services and Stipulated Withdrawal of Opposition to include a red-line copy of the proposed amendment (see below).

On February 5, 2020, Ten-X, Inc. (“Opposer”) filed an opposition with the United States Trademark Trial and Appeal Board against Thomas Hans’ (“Applicant”) United States Intent-to-Use Application, Serial No. 88463247, to register the mark 10X CAPITAL in connection with services in International Class 36 on the ground that it is confusingly similar with Opposer’s mark TEN-X.

Opposer and Applicant have successfully negotiated and executed an amicable resolution to the subject opposition that includes Applicant’s consented amendment to the identification of the Class 36 services.

In view of the above, Applicant by and through its undersigned counsel, hereby respectfully moves to withdraw the subject opposition, in accordance with the agreed upon resolution and upon entry of the following consented amendment to the Class 36 services hereby submitted by Applicant. Since the amendment deletes services and is narrowing and does not expand the scope of the

current identification of the services, it should be accepted by the Board to allow this Class 36 application to be amended and the opposition against it withdrawn.

Consented Amendment to Class 36 Services

Applicant amends the Class 36 description by further narrowing the services and by including the language “all of the aforesaid services not directed to or related to real estate, mortgage loans or real estate financing services” at the end of the description of services.

The amended identification of services in red-line form is as follows:

~~Non-real estate and non-mortgage related f~~Financing and loan services; Financing loans for startups; Financing loans for lenders; Financing loans for factoring companies; Financing loans for mobile app developers; ~~Financing of fractional leases;~~ Financing of loans; ~~Financing of real estate development projects;~~ Financing services; Investment banking services; Investment clubs; Investment consultancy; Investment management; Investment of funds; Investment of funds for others; Lending consultant services; Venture capital advisory services; Venture capital financing; Venture capital fund management; Venture capital funding services to emerging and start-up companies; Venture capital services, namely, providing financing to emerging and start-up companies; Accounts receivables financing; Aircraft financing services; ~~Arranging finance for construction projects;~~ Automobile lease financing; Banking and financing services; Brokerage services for capital investments; Brokerage services in the field of securities and commodities investing; Capital investment; Capital investment consulting; Capital investment services; Commercial lending services; Corporate finance services, namely, consultation in the field of asset sales; Corporate finance services, namely, consultation in the field of capital structure; Crowdfunding services in the nature of providing financing from money collected from individuals; Equity capital investment; Financial investment in the field of loans; Financial investment in the field of bonds; Financial investment in the field of asset-backed securities; Financial investment services, namely, administering the issuance, underwriting and distribution of securities; Financial consulting services, namely, expert analysis in finance; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; Financial services, namely, money lending; Financial services, namely, operation and management of hedge funds, commodity pools and other collective investment vehicles, and trading for others of securities, options, futures, derivatives, debt instruments and commodities; Funds investment; Hedge fund investment services; Incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; ~~Lease~~

~~securitization; Lease purchase financing;~~ Leveraged buy outs and investments in financially distressed or underperforming companies; Loan financing; Merchant banking and investment banking services; ~~Mortgage financing services;~~ Mortgage banking services, namely, ~~origination,~~ acquisition, ~~servicing,~~ ~~brokerage, and~~ securitization ~~and brokerage~~ of mortgage loans; Private equity fund investment services; ~~Project financing;~~ Providing financial services with respect to securities and other financial instruments and products, namely, trading of and investments in securities and financial instruments and products for others; Providing venture capital, development capital, private equity and investment funding; Providing working capital financing to small businesses and small business owners; all of the aforesaid services not directed to or related to real estate, mortgage loans or real estate financing services ~~Real estate financing services; Real estate investment services; Real estate investment trust services; Real estate funds investment services; Rent to own financing.~~

The amended identification of services is as follows:

Non-real estate and non-mortgage related financing and loan services; Financing loans for startups; Financing loans for lenders; Financing loans for factoring companies; Financing loans for mobile app developers; Financing of loans; Financing services; Investment banking services; Investment clubs; Investment consultancy; Investment management; Investment of funds; Investment of funds for others; Lending consultant services; Venture capital advisory services; Venture capital financing; Venture capital fund management; Venture capital funding services to emerging and start-up companies; Venture capital services, namely, providing financing to emerging and start-up companies; Accounts receivables financing; Aircraft financing services; Automobile lease financing; Banking and financing services; Brokerage services for capital investments; Brokerage services in the field of securities and commodities investing; Capital investment; Capital investment consulting; Capital investment services; Commercial lending services; Corporate finance services, namely, consultation in the field of asset sales; Corporate finance services, namely, consultation in the field of capital structure; Crowdfunding services in the nature of providing financing from money collected from individuals; Equity capital investment; Financial investment in the field of loans; Financial investment in the field of bonds; Financial investment in the field of asset-backed securities; Financial investment services, namely, administering the issuance, underwriting and distribution of securities; Financial consulting services, namely, expert analysis in finance; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; Financial services, namely, money lending; Financial services, namely, operation and management of hedge funds, commodity pools and other collective investment vehicles, and trading for others of securities, options, futures, derivatives, debt instruments and

commodities; Funds investment; Hedge fund investment services; Incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; Leveraged buy outs and investments in financially distressed or underperforming companies; Loan financing; Merchant banking and investment banking services; Mortgage banking services, namely, acquisition, brokerage, and securitization of mortgage loans; Private equity fund investment services; Providing financial services with respect to securities and other financial instruments and products, namely, trading of and investments in securities and financial instruments and products for others; Providing venture capital, development capital, private equity and investment funding; Providing working capital financing to small businesses and small business owners; all of the aforesaid services not directed to or related to real estate, mortgage loans or real estate financing services

Dated: July 30, 2020

Respectfully submitted,

By: /John P. Rynkiewicz/
John Rynkiewicz
Arnold & Porter
Attorneys for Opposer
601 Massachusetts Ave., NW
Washington | District of Columbia 20001-3743
Telephone: (202) 942-6989
Email: John.Rynkiewicz@arnoldporter.com

By: /Scott M. Sisun/
Scott Sisun
Sisun Law
Attorneys for Applicant
135 Madison Avenue
New York, NY 10016
Telephone: (347) 913-7800
Email: scott@sisunlaw.com

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing CONSENTED AMENDMENT TO THE IDENTIFICATION OF SERVICES AND STIPULATED WITHDRAWAL OF OPPOSITION, which was electronically filed through ESTTA has been forwarded via e-mail to Opposer's Attorney of Record, John Rynkiewicz, email: John.Rynkiewicz@arnoldporter.com this 30th day of July, 2020.

Signature /Scott M. Sisun/

Name: Scott Sisun