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Filing date: **11/06/2020**

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

Proceeding	91254999
Party	Defendant Agilus, Inc.
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Submission	Motion to Amend/Amended Answer or Counterclaim
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Signature	/William P. Jensen/
Date	11/06/2020
Attachments	Motion for Amendment - 641 App.pdf(210388 bytes )

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

In the Matter of Application Serial No. 88/208,641  
Filed November 28, 2018  
for the mark AGILUS (and design)  
Published in the Official Gazette of October 1, 2019

AGILITY PUBLIC WAREHOUSING  
COMPANY (KSC) Public

Opposer,

v.

AGILUS, INC.

Applicant.

Opposition No. 91/254,999

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
Post Office Box 1451  
Alexandria, Virginia 22313-1451

**APPLICANT'S MOTION FOR ENTRY OF AMENDMENT**

Pursuant to 37 CFR 2.133(a), Applicant moves for entry of an amendment to the descriptions of services associated with International Class 035. Opposer provides its consent to this motion in Exhibit 1 attached hereto.

## AMENDMENTS

The services in Class 035 currently include:

Procurement services in the nature of procuring of contracts for others for the purchase of goods and labor contracting services, namely, purchasing goods, materials and equipment and contracting labor services for oil and gas related facilities, subcontract management, expediting, supplier quality, traffic and logistics, materials management, supply chain management and project management.

Please amend the services in Class 35, as indicated by underlining, as follows:

Procurement services in the nature of procuring of contracts for others for the purchase of goods and labor contracting services, namely, purchasing goods, materials and equipment, contracting labor services for oil, gas and chemicals related facilities, providing support for the delivery of such goods and the performance of such services, and subcontract management; all of the aforesaid services being provided in the oil, gas and chemicals industries; none of this in connection with facilities, other than oil, gas and chemicals facilities, in the fields of logistics, transportation, freight forwarding, freight insurance agency services, storage, warehousing, distribution, customs clearance, inventory management, import, export and delivery of goods, customs clearance and brokerage, risk management and assessment, auditing and distribution management services, purchase order management and tracking services, inventory flow optimization, inventory management, offshore support services, employee and personnel relocation services, electronic payment services, tax accounting services for relocation expenses, travel booking services, business management of sports and entertainment events, or exhibition and event logistics.

REMARKS

Pursuant to 37 CFR 2.71, the amendment limits the description of services associated with Class 35. In particular, the description of services is limited to “services being provided in the oil, gas and chemicals industries; none of this in connection with facilities, other than oil, gas and chemicals facilities, in the fields of logistics, transportation, freight forwarding, freight insurance agency services, storage, warehousing, distribution, customs clearance, inventory management, import, export and delivery of goods, customs clearance and brokerage, risk management and assessment, auditing and distribution management services, purchase order management and tracking services, inventory flow optimization, inventory management, offshore support services, employee and personnel relocation services, electronic payment services, tax accounting services for relocation expenses, travel booking services, business management of sports and entertainment events, or exhibition and event logistics.”

Date: November 6, 2020

Respectfully Submitted,

CRAIN, CATON & JAMES, P.C.

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COUNSEL FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify the foregoing was transmitted by email pursuant to 37 CFR 2.119(b) on November 6, 2020 to counsel as follows:

Mark J. Diliberti  
Lindsey N. Birch  
Foley & Lardner LLP  
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/William P. Jensen/  
William P. Jensen

CERTIFICATION OF TRANSMITTAL

I certify that this correspondence is being filed with the United States Trademark Trial and Appeal Board through the *Electronic System for Trademark Trials and Appeals* on the date identified below.

Date: November 6, 2020

/William P. Jensen/  
William P. Jensen  
Registration No. 36833

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**OPPOSER'S CONSENT TO APPLICANT'S  
AMENDMENT TO APPLICATION**

Commissioner for Trademarks  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir/Madam:

In view of a settlement between the parties, Agility Public Warehousing Company (KSC) Public hereby consents to Applicant's amendment to its application for the identification of services as follows:

IC 035: "Procurement services in the nature of procuring of contracts for others for the purchase of goods and labor contracting services,



namely, purchasing goods, materials and equipment, contracting labor services for oil, gas and chemicals related facilities, providing support for the delivery of such goods and the performance of such services, and subcontract management; all of the aforesaid services being provided in the oil, gas and chemicals industries; none of this in connection with facilities, other than oil, gas and chemicals facilities, in the fields of logistics, transportation, freight forwarding, freight insurance agency services, storage, warehousing, distribution, customs clearance, inventory management, import, export and delivery of goods, customs clearance and brokerage, risk management and assessment, auditing and distribution management services, purchase order management and tracking services, inventory flow optimization, inventory management, offshore support services, employee and personnel relocation services, electronic payment services, tax accounting services for relocation expenses, travel booking services, business management of sports and entertainment events, or exhibition and event logistics.”

Respectfully Submitted,

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Date: November 5, 2020