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Filing date: **05/12/2021**

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

Proceeding	91267205
Party	Defendant Peeknest Inc
Correspondence Address	IDRIS MOTIWALA LAW OFFICE OF IDRIS MOTIWALA 10900 RESEARCH BLVD. STE. 160C-84 AUSTIN, TX 78759 UNITED STATES Primary Email: idris@motiwala.law 832-786-1853
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Idris Motiwala
Filer's email	idris@motiwala.law
Signature	/Idris Motiwala/
Date	05/12/2021
Attachments	21.05.12 Motion to Withdraw Affirmative Defense.pdf(157901 bytes )

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

Nest Egg Labs, Inc.

Opposer,

v.

Peeknest, Inc.

Applicant

Opposition Proceeding No. 91267205

Application Serial No.: 88746125

Mark: NEST

**MOTION TO WITHDRAW AFFIRMATIVE DEFENSES**

Applicant Peeknest, Inc. (“Applicant”) hereby moves the Trademark Trial and Appeal Board for an Order approving the withdrawal without prejudice of the affirmative defenses alleged in paragraphs 17 and 18 of the Applicant’s Response to Notice of Opposition filed on March 3, 2021.

1. On March 3, 2021 Applicant filed its Response to Notice of Opposition in the above-captioned matter.

2. The Parties held a discovery conference on March 25, 2021 and have had subsequent communications regarding the withdrawal of the affirmative defenses in Paragraphs 17 and 18 of Applicant’s Response to Notice of Opposition.

3. Paragraph 17 of the Applicant’s Response to Notice of Opposition pled the affirmative defense of unclean hands.

4. Paragraph 18 of the Applicant’s Response to Notice of Opposition pled the affirmative defenses of equitable doctrine of laches, estoppel, and/or acquiescence.

5. Applicant wishes to withdraw Paragraphs 17 and 18 of its Response to Notice of Opposition without prejudice.

WHEREFORE, the Applicant respectfully requests that the Trademark Trial and Appeal Board grant its Motion to Withdraw Affirmative Defense and approve the withdrawal of Paragraphs 17 and 18 of its Response to Notice of Opposition without prejudice..

Dated: May 12, 2021

Respectfully Submitted,

By: /Idris Motiwala/  
Idris Motiwala  
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Phone: 832-786-1853  
Email: [idris@motiwala.law](mailto:idris@motiwala.law)

#### Certificate of Conference

I hereby certify that I have confirmed with Relani Belous, attorney for Opposer, Nest Egg Labs, Inc. and Opposer has indicated that it is not opposed to this Motion to Withdraw Affirmative Defenses.

By: /Idris Motiwala/  
Idris Motiwala  
Law Office of Idris Motiwala

#### Certificate of Service

I hereby certify that a true and complete copy of the foregoing Motion to Withdraw Affirmative Defenses has been served on Nest Egg Labs, Inc. by forwarding said copy on May 12, 2021 via email to: Relani Belous at [relani@belouslaw.com](mailto:relani@belouslaw.com).

By: /Idris Motiwala/  
Idris Motiwala  
Law Office of Idris Motiwala

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2021, upon consideration of the Motion to Withdraw Affirmative Defenses is hereby

ORDERED AND DECREED that the Motion to Withdraw Affirmative Defense is granted. Accordingly, the withdrawal of Paragraphs 17 and 18 of Applicant's Response to Notice of Opposition is hereby approved.

BY THE TRADEMARK TRIAL AND APPEAL BOARD

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