

ESTTA Tracking number: **ESTTA1162282**

Filing date: **09/27/2021**

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

Proceeding	91271108
Party	Defendant See the NP, Inc
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Submission	Motion to Amend Application
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Date	09/27/2021
Attachments	092721 Motion to Amend CThe NP SP.pdf(111756 bytes)

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

**In the matter of Application No. 88735071
For the mark: C + THE N P
Published in the Official Gazette on October 20, 2020**

The American National Red Cross	§	
OPPOSER,	§	
	§	OPPOSITION NO. 91271108
	§	
v.	§	
	§	
	§	
See the NP, Inc	§	
APPLICANT.	§	

APPLICANT’S MOTION TO AMEND APPLICATION

Applicant, See the NP Inc, a corporation composed of Paul McDonald, a citizen of United States (“Applicant”) submits its Motion to Amend Application with the consent of The American National Red Cross (“Opposer”). With the consent of both parties, Applicant respectfully requests that Applicant’s motion to amend the description of the mark and amend the filing basis be granted.

Introduction

On December 20, 2019, Applicant filed in Application No. 88735071 a design mark for C + THE NP for “Clinical medical practice consultation services; Consulting services in the field of medical care; Health care; Medical services; Medical assistance services; Medical clinic services; Nursing care; Nursing services; Nursing, medical; Providing medical information, consultancy and advisory services; Urgent medical care centers.”

On April 15, 2020, Applicant’s mark was Published for Opposition.

On May 19, 2020, Opposer filed the first Request to Extend Time to Oppose pending settlement negotiations. The parties were unable to reach a resolution during this time due to the onset of the COVID-19 pandemic, causing Applicant’s clinic to temporarily close and creating a delay in communication.

On August 17, 2021, Opposer filed an Opposition in Proceeding No. 91271108, citing a likelihood of confusion and statutory violation caused by Applicant’s use of a red cross.

Now, it is with the consent of both parties that Applicant requests to amend the description and filing basis of the mark pursuant to TBMP §514 and §514.02.

Description of the Mark

According to 37 C.F.R. §2.133 and TBMP §514, “[t]he amendment of any application or registration that is the subject of an inter partes proceeding before the Board...may not be amended

in substance, except with the consent of the other party or parties and the approval of the Board, or except upon motion granted by the Board.”

When a request to amend an application or registration that is the subject of a Board inter partes proceeding is made with the consent of the other party or parties, and the proposed amendment is in accordance with the applicable rules and statutory provisions, the request ordinarily will be approved by the Board. TBMP §514.02.

The current description of Applicant’s mark reads as follows:

The mark consists of a large capital letter "C", in the middle of the "C" is a plus sign with the word "the" embedded in the middle of the plus sign with the capital letters "N" and "P" to its right.

Applicant seeks to amend the description to the following:

The mark consists of a large capital letter "C", in the middle of the "C" is a plus sign with the word "the" embedded in the middle of the plus sign with the capital letters "N" and "P" to its right. **The portion of the mark comprised of a cross design or plus sign neither is nor will be displayed in red or a color resembling red”.**

The Application was filed and is currently filed on a 1(a) basis of use. As mentioned above, Applicant has temporarily ceased use due to being affected by the COVID-19 pandemic, and requests to amend the filing basis of the Application to a 1(b) intent-to-use application.

Conclusion

In conclusion, Applicant respectfully requests that the Board accept its consent Motion to Amend dated September 27, 2021 to Application No. 88735071 to amend, (i) the mark description to read: “The mark consists of a large capital letter "C", in the middle of the "C" is a plus sign with the word "the" embedded in the middle of the plus sign with the capital letters "N" and "P" to its right. The portion of the mark comprised of a cross design or plus sign neither is nor will be displayed in red or a color resembling red”, and (ii) the filing basis to intent-to-use.

Date: September 27, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on each attorney of record or party in accordance with Rule 311.01(c) of the Trademark Trial and Appeal Board by delivery by telephonic document transfer, electronic mail or certified mail, return receipt requested, addressed as follows:

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Date: September 27, 2021