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

Proceeding no.	91272654
Party	Defendant QT Medical, Inc.
Correspondence address	MORTON J ROSENBERG ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE SUITE 101 ELLICOTT CITY, MD 20143 UNITED STATES Primary email: RKL@rkpatlaw.com 410-465-6678
Submission	Motion to Amend Application
Filer's name	Nicole B. Rackiewicz
Filer's email	RKL@RKLPTLAW.COM
Signature	/Nicole B. Rackiewicz/
Date	10/28/2022
Attachments	929-1748-CONSENT MOTION TO AMEND AND CONTINGENT WITHDRAWAL-AS FILED-O CT28-2022.pdf(593484 bytes)

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

THE QT COMPANY, LTD	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91272654
	:	
QT MEDICAL, INC.	:	Application No. 90368088
	:	
Applicant	:	
	:	

**CONSENT MOTION TO AMEND APPLICATION NO. 90368088
AND CONTINGENT WITHDRAWAL OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.133, Applicant QT Medical, Inc., with the express consent of Opposer The QT Company, Ltd, hereby amends the identification of goods in U.S. Trademark Application Serial No. 90368088 as follows:

Class 9: Downloadable computer application software for mobile phones, namely, software for use in electronic storage of electrocardiographic (ECG) data and other individual user medical data; Wearable activity trackers; ~~Downloadable application programming interface (API) software;~~ ~~Downloadable computer software for use as an application programming interface (API);~~ ~~Recorded application programming interface (API) software;~~ ~~Recorded computer software for use as an application programming interface (API)~~


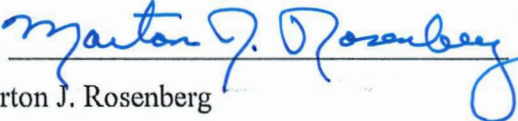
Class 42: Development and creation of computer programmes for data processing of electrocardiographic (ECG) data and other individual user medical data; ~~Providing temporary use of non-downloadable computer software for tracking documents over computer networks, intranets and the internet;~~ Providing temporary use of on-line non-downloadable cloud computing software for use in electronic storage of electrocardiographic (ECG) data and other individual user medical data; Application service provider featuring application programming interface (API) software for electrocardiographic (ECG) and other individual user medical data applications.

As this amendment is limiting in nature it is permissible under 37 C.F.R. §2.71(a).

Opposer consents to Applicant's amendment to the subject application as indicated by the signature of Opposer's counsel below. This request is being made for the purpose of resolving pending Opposition No. 91272654.

Contingent upon the Board's entry of the Amendment noted above, the parties hereby consent to the dismissal of all claims and counterclaims asserted by the Parties in Opposition No. 91272654, with prejudice.

Respectfully submitted,

<p>By:  Carrie A. Shufflebarger</p> <p>Thompson Hine LLP 312 Walnut Street, Suite 2000 Cincinnati, OH 45202 513-352-6678 carrie.shufflebarger@thompsonhine.com</p> <p>Counsel for Opposer</p> <p>Dated: <u>10/25/2022</u></p>	<p>By:  Morton J. Rosenberg</p> <p>Rosenberg, Klein & Lee 3458 Ellicott Center Drive, Suite 101 Ellicott City, Maryland 20143 410-465-6678 rkl@rklpatlaw.com</p> <p>Counsel for Applicant</p> <p>Dated: <u>10/25/2022</u></p>
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Certificate of Service

I hereby certify that the above and foregoing was electronically served on counsel of record on this 28th day of October, 2022

/Nicole B. Rackiewicz/
Nicole B. Rackiewicz

Rosenberg, Klein & Lee