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

Proceeding no.	91273518
Party	Defendant Hydr8 Organics
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Submission	Other Motions/Submissions
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Date	04/05/2022
Attachments	91273518_MOTION_TO_AMEND_APPLICATION_4-5-2022.pdf(298767 bytes )

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

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Hydrox Chemical Company, Inc. )  
 )  
Opposer, )  
 )  
v. ) Opposition No. **91273518**  
 )  
Hydr8 Organics )  
 )  
 ) Applicant's Application Serial No.: **90259407**  
 )  
Applicant. )  
 )

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**REQUEST TO AMEND APPLICATION WITH CONSENT, REQUEST FOR  
SUSPENSION, AND CONDITIONAL REQUEST FOR  
WITHDRAWAL OF OPPOSITION WITH PREJUDICE**

Pursuant to Rule 37 CFR § 2.133, Opposer, **Hydrox Chemical Company, Inc.** has given consent to Applicant, **Hydr8 Organics**, to amend Applicant's design mark HYDR8 ORGANICS as shown below. The original design mark HYDR8 ORGANICS as filed in the application **90259407**:



Applicant requests that the design mark HYDR8 ORGANICS be amended as follows:



The only change to the design mark HYDR8 ORGANICS is the addition of white space and bubbles to the top portion of the “8”.

No other amendments for U.S. Appl. **90259407** are requested by Applicant or Opposer.

The parties request the suspension of this Opposition Proceeding pending the Board’s review and approval, and entry of the amendment noted above.

Following, and fully contingent upon, the Board’s review, approval, and entry of the amendment noted above, pursuant to Rule 37 CFR § 2.106(c), Opposer requests the withdrawal of its opposition to U.S. Appl. **90259407** with prejudice and without costs or fees to either party. Upon the entry of the amendment, Applicant, through counsel, consents to Opposer’s withdrawal of this Opposition Proceeding with prejudice and without costs or fees to either party.

In the event that the Board does not accept the amendment, the parties request that, upon the lifting of the suspension, all remaining deadlines be further extended for sixty (60) days to allow the parties to try to reach an amicable agreement.

Nothing herein shall be deemed an admission of any kind. If the Board denies entry of the amendment noted above, nothing herein shall be construed as a waiver by any party to this proceeding of any or all of such party's rights, remedies, claims, and defenses and the parties to this proceeding expressly reserve any and all of their respective rights, remedies, claims and defenses.

*WHEREFORE*, Applicant and Opposer respectfully move that the design mark HYDR8 ORGANICS for U.S. Appl. 90259407 be amended, this Opposition Proceeding be suspended, and, fully contingent on the Board's entry of the proposed amendment, the Opposition be withdrawn with prejudice and without costs or fees to either party.

***RESPECTFULLY SUBMITTED.***

DATED: **April 5, 2022.**

Hydrox Chemical Company, Inc.

Hydr8 Organics

By its attorneys

By its attorneys:

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**CERTIFICATE OF SERVICE**

On **April 5, 2022**, in Opposition **91273518**, I hereby certify that a true and complete copy of **REQUEST TO AMEND APPLICATION WITH CONSENT, REQUEST FOR SUSPENSION, AND CONDITIONAL REQUEST FOR WITHDRAWAL OF OPPOSITION WITH PREJUDICE** have been served via email to the following email accounts of record:

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