

ESTTA Tracking number: **ESTTA1305275**

Filing date: **08/22/2023**

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

Proceeding no.	91284718
Party	Defendant Ryz Labs LLC
Correspondence address	JULIA SPOOR GARD BARNES & THORNBURG LLP 11 SOUTH MERIDIAN STREET INDIANAPOLIS, IN 46204 UNITED STATES Primary email: jgard@btlaw.com Secondary email(s): tmindocket@btlaw.com, jeffery.johnson@btlaw.com, rachel.nielsen@btlaw.com 317-231-1313
Submission	Other Motions/Submissions
Filer's name	Francis P. Cislak
Filer's email	rcislak@btlaw.com, tsdr@btlaw.com
Signature	/fpcislak/
Date	08/22/2023
Attachments	Settlement Agreement - RYZ LABS - AMENDMENT MOTION.pdf(132678 bytes)

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

In re Application Serial No. 90/749,335
Filed: June 2, 2021
For Mark: RYZ LABS
Published in the Official Gazette: November 1, 2022

-----	X	
BARCLAYS PLC,	:	Opposition No. 91284718
	:	
Opposer,	:	
	:	
v.	:	
	:	
RYZ LABS LLC,	:	
	:	
Applicant.	:	
	:	
-----	X	

**REVISED MOTION ON CONSENT TO AMEND APPLICATION
AND, IF ACCEPTED, TO WITHDRAW THE OPPOSITION ON CONSENT
AND MOTION TO SUSPEND**

This revised Motion is pursuant to Rule 2.133 of the Trademark Rules of Practice, TBMP 514.02, and the Interlocutory Attorney’s August 5 Order. *See* 8 TTABVUE 2, footnote 1. Applicant, with Opposers’ consent, respectfully requests that Application Serial No. 90/749,335 be amended by **deleting** from the description of services the terms crossed-out **in red** and adding the terms **in bold**:

IC 035: Providing on-line back office functions for freelancers, ~~start-ups,~~ and existing businesses to perform on-line work functions

IC 042: Computer services, namely, providing an on-line virtual ~~work space~~ environment for freelancers, ~~start-ups,~~ and existing businesses to perform on-line work functions; ~~Providing on-line virtual work space, namely,~~ providing an **on-line work environment comprising a** web site featuring technology that enables freelancers, ~~start-ups~~ and existing businesses to perform **work and** business functions and transactions.

It is respectfully submitted that the requested amendment narrows rather than broadens the scope of the services in the application and thus does not require republication of the application in the *Official Gazette*.

This amendment is made pursuant to the revised amendments the Interlocutory Attorney proposed in the August 5 Order. 8 TTABVUE 2, footnote 1. After discussion between the Parties, this amendment is made pursuant to an agreement between Applicant and Opposer, each of whom has consented to the amendment.

If the amendment is approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn without prejudice.

Finally, the parties request the Board suspend the opposition pending consideration of this motion by the Board.

CONCLUSION

Based on the foregoing, Applicant respectfully requests that the Board grant this request to amend in its entirety. If granted, Opposer respectfully requests that the opposition be withdrawn without prejudice. The parties respectfully request the Board stay the opposition pending its determination on the instant motion.

[signature page follows]

August 22, 2023

/Dwight D. Lueck/
Dwight D. Lueck
Julia S. Gard
Francis P. Cislak
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Attorneys for Applicant

CONSENTED TO:

/Eric J. Shimanoff/
Eric J. Shimanoff
COWAN, LIEBOWITZ & LATMAN, P.C.
114 West 47th Street
New York, New York 10036
(212) 790-9200
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing REVISED MOTION ON CONSENT TO AMEND APPLICATION AND, IF ACCEPTED, TO WITHDRAW THE OPPOSITION ON CONSENT AND MOTION TO SUSPEND was served on Opposer by delivering a copy of the same via electronic mail on August 22, 2023 to Opposer's attorneys of record addressed to:

Eric J. Shimanoff, ejs@cjl.com

/Dwight D. Lueck/
Dwight D. Lueck