

ESTTA Tracking number: **ESTTA1307993**Filing date: **09/05/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91285183
Party	Plaintiff GoPro, Inc.
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Submission	Other Motions/Submissions
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Date	09/05/2023
Attachments	ACTION PRO Motion to Amend and Dismiss.pdf(114629 bytes)

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

In the matter of
Trademark Application Serial No. 97257848
Filed: February 8, 2022
Published: January 24, 2023

Mark: 

GOPRO, INC.,)
) Opposer,)
)) Opposition No. 91285183
) vs.)
))
E-TRITON LLC,)
))
) Applicant.)

**OPPOSER AND APPLICANT’S STIPULATED MOTION TO AMEND APPLICATION,
AND TO WITHDRAW OPPOSITION WITHOUT PREJUDICE CONTINGENT ON
ENTRY OF THE AMENDMENT**

Opposer, GoPro, Inc., and Applicant, E-Triton LLC, jointly and respectfully move the Trademark Trial and Appeal Board (the “Board”) to amend Application Serial No. 97257848 to replace Applicant’s current disclaimer statement with the following:

No claim is made to the exclusive right to use “ACTION” and “PRO” apart from the mark as shown.

In accordance with Rule 2.133 of the Trademark Rules of Practice, 37 C.F.R. § 2.133, Applicant and Opposer have stipulated to this amendment and, subject to the Board’s approval of the amendment, for the withdrawal of Opposition No. 91285183 without prejudice.

Respectfully submitted and stipulated to,

Date: September 5, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER AND APPLICANT'S STIPULATED MOTION TO AMEND APPLICATION, AND TO WITHDRAW OPPOSITION WITHOUT PREJUDICE CONTINGENT ON ENTRY OF THE AMENDMENT** was served this 5th day of September 2023 by email, on Applicant E-Triton LLC at: info@kennetheade.com, info@amazonsellers.attorney, and nichelle@amazonsellers.attorney as required by the Trademark Trial and Appeal Board.

/Lori Williams/
Lori Williams, paralegal