

ESTTA Tracking number: **ESTTA307330**

Filing date: **09/21/2009**

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

Proceeding	94002416
Party	Applicant Public Strategies Washington, Inc.
Correspondence Address	MICHAEL A. GROW ARENT FOX KINTNER PLOTKIN AND KAHN 1050 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036-5303 UNITED STATES TMDocket@arentfox.com
Submission	Response to Board Order/Inquiry
Filer's Name	Michael A. Grow
Filer's e-mail	henrye@arentfox.com, TMDocket@arentfox.com, rosenberg.alec@arentfox.com
Signature	/Michael A. Grow/
Date	09/21/2009
Attachments	psw.pdf (5 pages)(128160 bytes)

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

Public Strategies, Inc.,

User,

v.

Concurrent Use No. 94002416

Public Strategies Washington, Inc.,

Applicant.

AMENDMENT

In response to the Board's order of August 21, 2009, Applicant submits this amendment to its pending Application No. 76/271837.

Applicant requests that its Application No. 76/271837 be amended to include the following:

- (1) Services: consulting services in the field of government relations (this list of services is being included at the Board's request even though there has been no change in the services originally listed in the Application).
- (2) Geographic Area: Applicant seeks to register its mark in the territory comprising the District of Columbia, Virginia and Maryland.
- (3) To the extent of its knowledge, Applicant states that (a) it is unaware of any exception to its claim of exclusive use within the territory comprising the District of Columbia, Virginia, and Maryland; (b) that Public Strategies, Inc., a Texas corporation, having an address of 98 San Jacinto, Suite 900, Austin, Texas, is an exception to Applicant's claim of exclusive rights and that company may use its mark PUBLIC STRATEGIES for public relations consulting services in portions

of the United States other than the District of Columbia, Virginia and Maryland;
and (c) that Public Strategies, Inc. has used the mark PUBLIC STRATEGIES
concurrently with Applicant in connection with public relations consulting
services in areas other than the District of Columbia, Virginia and Maryland.

- (4) The name and address of the concurrent user is: Public Strategies, Inc., a Texas corporation, having an address of 98 San Jacinto, Suite 900, Austin, Texas.

Public Strategies, Inc. has no pending application or registration for the mark on file with the Patent and Trademark Office.

- (5) Attached as Exhibit A is a verification signed by Applicant.

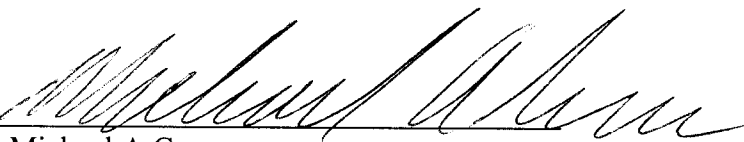
Applicant has sent a copy of this amendment to User's attorney for signature on September 14, 2009, and has subsequently attempted to reach User's attorney by telephone. While Applicant has no reason to believe the Amendment will not be signed, User's attorney has not responded to Applicant's letter or telephone messages. Because the parties have entered into a settlement agreement, it is believed that User has no objection to this amendment.

CONCLUSION

In view of the foregoing Applicant requests that its application be amended, and that Applicant's mark PUBLIC STRATEGIES WASHINGTON be approved for issuance of a territorially restricted registration.

PUBLIC STRATEGIES WASHINGTON, INC.

By



Michael A Grow
Alec P. Rosenberg
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 857-6000
Attorney for Applicant

September 21, 2009

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing is being served upon Opposer's counsel Brooke Erdos Singer of Davis & Gilbert LLP, 1740 Broadway, New York, New York 10019, by first class mail, postage prepaid, on September 21, 2009.

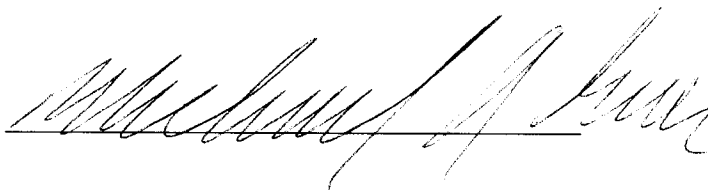


EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of PUBLIC STRATEGIES WASHINGTON, INC.

Serial No. 76/271837 for PUBLIC STRATEGIES WASHINGTON

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom declares that (s)he is properly authorized to execute this declaration on behalf of Applicant; that (s)he believes Applicant to be the owner of the mark sought to be registered, or if the application is being filed under 15 U.S.C. §1056(b), (s)he believes Applicant entitled to use the mark in commerce on or in connection with the goods or services listed in the application within the territory comprising the District of Columbia, the Commonwealth of Virginia, and the State of Maryland; that the mark is in use in commerce; that to the best of his/her knowledge and belief that, except as specified in the application, no other person, firm, corporation, or association has the right to use said mark in commerce, whether in the identical form or in such near resemblance thereto as to be likely when applied to the goods or services of such other person to cause confusion, mistake or deception; that the facts set forth in this application are true; that all statements made of his/her own knowledge are true; that all statements made on information and belief are believed to be true.

PUBLIC STRATEGIES WASHINGTON, INC.

By 

Printed Name Joseph P. O'Neill

Title President

Date 9/8/09