

ESTTA Tracking number: **ESTTA1113170**


Filing date: **02/09/2021**

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

Proceeding	91254886
Party	Defendant Super Healthy Kids, Inc.
Correspondence Address	MARGARET NIVER MCGANN PARSONS BEHLE & LATIMER 201 SOUTH MAIN STREET, SUITE 1800 SALT LAKE CITY, UT 84111 UNITED STATES Primary Email: trademarks@parsonsbehle.com Secondary Email(s): jlove@parsonsbehle.com 801-532-1234
Submission	Motion to Amend Application
Filer's Name	Jonathan H. Love
Filer's email	trademarks@parsonsbehle.com
Signature	/Jonathan Love/
Date	02/09/2021
Attachments	Consent Motion to Amend.pdf(80875 bytes )

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

Application Serial No. 87/315,348

For the Mark:   
Filed: January 26, 2017  
Published: November 26, 2019

APPLE INC.,

Opposer,

v.

SUPER HEALTHY KIDS, INC.,

Applicant.

Opposition No. 91254886

**CONSENTED MOTION TO AMEND APPLICATION AND, CONTINGENT  
THEREUPON, TO DISMISS OPPOSITION WITHOUT PREJUDICE**

Applicant Super Healthy Kids, Inc. by counsel, moves the Trademark Trial and Appeal Board (“TTAB”), pursuant to 37 C.F.R. 2.133(a), TMBP §514.02 and TMEP §1505.01(f) to amend its Trademark Application 87/315,348. In accordance with Rule 2.133 of the Trademark Rules of Practice, 37 C.F.R. § 2.133, Applicant has obtained the consent of Opposer, Apple Inc., to this amendment. In support thereof, Applicant states:

Applicant wishes to amend its Application to change the drawing of the stylized mark which is the subject of its Application.

The current drawing of the mark is:



Applicant respectfully requests that the drawing of the mark be amended to the following:



The Parties respectfully submit that the foregoing amendment is not a material alteration and would not require republication nor broaden the scope of the application.

If the Board approves the foregoing amendment to the drawing, Opposer, with Applicant's written consent, hereby requests that the opposition be dismissed without prejudice.

*[Signature page follows]*

Dated: February 4, 2021

Respectfully submitted and consented to,

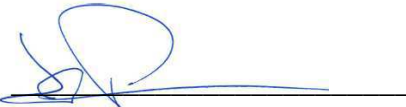


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Jonathan H. Love  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111  
JLove@parsonsbehle.com

*Attorneys for Applicant*

**CONSENTED TO:**



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Joseph Petersen  
Kilpatrick Townsend & Stockton, LLP  
1080 Marsh Road  
Menlo Park, CA 30309-4528  
Telephone: (650) 326-2400  
Facsimile: (650) 326-2422  
jpetersen@kilpatricktownsend.com

William Bryner  
Kilpatrick Townsend & Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 607-7482  
Facsimile: (336) 734-2656  
bbryner@kilpatricktownsend.com

*Attorneys for Opposer*

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**CERTIFICATE OF SERVICE**

This is to certify that on this day, February 9, 2021, a copy of the foregoing  
CONSENTED MOTION TO AMEND APPLICATION AND, CONTINGENT THEREUPON,  
TO DISMISS OPPOSITION WITHOUT PREJUDICE has been served on Opposer by email  
addressed to Opposer's counsel at the following email addresses.

jpetersen@kilpatricktownsend.com  
bbryner@kilpatricktownsend.com

  
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Attorney for Applicant