

TRADEMARK CONSENT AGREEMENT

THIS AGREEMENT is by and between X S BROKERS INSURANCE AGENCY, INC., a Massachusetts corporation with a business address of 13 Temple Street, Quincy, Massachusetts 02169 (“XS BROKERS”) and XS-LATAM, LLC, a Florida limited liability company with a business address of 1441 Brickell Avenue, Suite 1210, Miami, Florida 33131 (“XS-LATAM”), (collectively the “Parties,” each individually a “Party”).

WHEREAS, XS BROKERS has been providing insurance services in commerce under the mark XS BROKERS since at least as early as 1978;

WHEREAS, XS BROKERS filed U.S. Application Serial No. 88/631374 for registration of the mark XS BROKERS (and Design) **XS BROKERS** in connection with insurance services with a claim of first use in commerce of the applied-for mark since at least as early as January 2011, and a claim of use of XS BROKERS in commerce in another form as early as 1978 (the “‘374 Application”);

WHEREAS, XS BROKERS filed U.S. Application Serial No. 88/634141 for registration of the mark XS SPECIALTY BROKERAGE EXPERT ADVICE FOR CHALLENGING RISKS (and Design) as set forth below



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in connection with insurance services with a claim of first use in commerce of the applied-for mark since at least as early as July 2019 and a Section 2(f) claim in part as to “XS” based on use of “XS” in another form as part of its related mark XS BROKERS since 1978 (the “‘141 Application”);

WHEREAS, XS-LATAM filed U.S. Application Serial No. 88/537290 for registration of the mark XS LATAM in connection with insurance services with a claim of first use in commerce for the applied-for mark at least as early as July 1, 2017 and received U.S. Registration No. 5982891 (the “‘891 Registration”);

WHEREAS, XS-LATAM filed U.S. Application Serial No. 88/539572 for registration of the mark XS GLOBAL in connection with insurance services with a claim of first use in commerce for the applied-for mark at least as early as July 1, 2017 and received U.S. Registration No. 5989343 (the “‘343 Registration”);

WHEREAS the ‘374 Application and the ‘141 Application filed by XS BROKERS have received refusals in the United States Patent and Trademark Office (USPTO) under Section 2(d) of the Lanham Act based on the shared use of the “XS” element in both the ‘374 Application and

the '141 Application filed by XS BROKERS, and the '891 Registration and the '343 Registration filed by XS-LATAM.

WHEREAS, the Parties believe that confusion is unlikely based on distinctions in the respective marks as a whole as set forth in the '374 Application and '141 Application of XS BROKERS, and the '891 Registration and the '343 Registration of XS-LATAM, and the Parties' coexisting use of the applied-for marks for multiple years.

NOW, THEREFORE, the Parties agree that no confusion is likely due to the distinctions in the overall commercial impression of their respective marks as set forth herein, and XS LATAM hereby consents to the registration of the '374 Application and the '141 Application filed by XS BROKERS. The Parties further agree to take reasonable steps to ensure that no confusion arises in the future.

X S BROKERS INSURANCE AGENCY, INC. XS-LATAM, LLC

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____