

Serial No. 77/002,033

Notice of Suspension dated: February 10, 2007

Response to Notice of Suspension dated: March 3, 2009

AMENDMENT TO LISTING OF SERVICES

In the description of the services, please delete the description as it now stands and substitute the following: business management planning and consultation for others, namely; conducting research and analyzing the results of studies related to costs and prices.

REMARKS

Applicant respectfully requests that the examining attorney lift the suspension of prosecution in the subject application dated February 10, 2007, and reconsider the denial of registration based upon prior application serial No. 78/951,953 dated August 15, 2006.

Applicant opposed the above-identified prior published trademark application, but that opposition identified by No. 91178752 has now been terminated by way of dismissal of applicant's opposition with prejudice, but with the concession from applicant in the prior published serial No. 78/951,953 to the effect that said applicant would agree to publication of the design mark which is the subject of this application if only applicant should amend the description of services as set forth in the attached agreement.

Consequently, applicant has included a true copy of the settlement agreement reached as between applicant here and applicant in the prior published application to the effect that the parties to the above-identified opposition recognize that in spite of the common elements in each of their respective trademarks no confusion is deemed likely between these distinctive design marks as used to identify the respective services, applicant's services being amended to comply with the settlement agreement as set forth above.

In light of this understanding as between the parties involved in said opposition, and in light of the fact that the enclosed written agreement entered into between the parties to that opposition adequately makes the parties mutual agreement of record in this application, applicant respectfully requests reconsideration of the outstanding denial of publication for the applicant's intent to use application as amended herein.