



## CONSENT AGREEMENT

This Consent Agreement ("Agreement") is hereby entered into by and between First Choice Sourcing Solutions, LLC, an Indiana limited liability company having a place of business at 116 W. Jackson St., Monroe, IN 46772 (hereinafter "First Choice") and Icon Vehicle Dynamics LLC, a California limited liability company having a place of business at 7929 Lincoln Ave, Riverside, CA 92504 (hereinafter "IVD"). First Choice and IVD are sometimes referred to herein individually as a "Party" and together as the "Parties."

### BACKGROUND

1. First Choice is the owner of U.S. Trademark Reg. No. 6180839 for the mark **ICON** in connection with "tires for automobiles; tires for trucks" ("First Choice Registration").

2. IVD has applied to register the marks  (Trademark Serial No. 90/432963) and  (Trademark Serial No. 90/433340) in connection with "automotive wheels; wheels for trucks, SUVs and UTVs" ("IVD Applications").

3. First Choice has applied to register the mark **ICON** (Trademark Serial No. 90/688767) in connection with "tires" ("First Choice Application").

4. The U.S. Patent and Trademark Office ("USPTO") has cited the First Choice Registration as a basis for refusing registration of the IVD Applications because of an alleged likelihood of confusion between the marks.

5. The USPTO has cited the IVD Applications as a basis for potential refusal of registration of the First Choice Application because of an alleged likelihood of confusion between the marks.

6. The Parties are not aware of and do not anticipate any instance of actual confusion between their respective marks, when used in connection with the goods identified in the respective applications.

7. First Choice is willing to consent to the registration of the IVD Applications and IVD is willing to consent to the registration of the First Choice Application.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### CONSENT

1. First Choice hereby consents to the registration of the IVD Applications.
2. IVD hereby consents to the registration of First Choice Application.

3. The Parties will cooperate if needed to avoid actual or likely confusion in the future with regard to the marks which are the subject of this Agreement.
4. Each Party agrees to cooperate with the other Party, and to execute such additional consistent documents as the other Party may reasonably request, to give full force and effect to the terms and conditions of this Agreement, including but not limited to consents and other communications to the USPTO and/or the Trademark Trial and Appeal Board.
5. This Agreement shall inure to the benefit of and be binding on the Parties, their respective successors and assigns.
6. This Agreement may be executed in counterparts (including digital copies), each of which shall be deemed an original.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the Date set forth below.

**First Choice Sourcing Solutions, LLC**

By: 

Name: Louis Fontana

Title: President

Date: 9/16/2022

**Icon Vehicle Dynamics LLC**

By: 

Name: Angela Brown

Title: Controller

Date: 9/23/22