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

Proceeding	79152818
Applicant	Breitling SA
Applied for Mark	MERLIN
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Submission	Motion to Amend Application
Attachments	MERLIN -- motion to amend application.pdf(4592 bytes )
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Date	07/06/2016

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

In re Application of:	:	
Breitling SA	:	
	:	Fred Carl III
	:	Law Office 108
Mark: MERLIN	:	
	:	
Serial No.: 79/152,818	:	
Filing Date: July 7, 2014	:	

**APPLICANT’S MOTION TO AMEND APPLICATION**

Applicant Breitling SA (“Applicant”) hereby requests to amend the identification of goods in the above-captioned application to read in its entirety as follows:

**Class 14:** precious metals and alloys thereof; precious stones; timepieces and chronometric instruments

Applicant seeks to amend its application to delete “jewelry” from the identification of Class 14 goods. The examining attorney has refused registration of the present application as it pertains to “jewelry” and “timepieces and chronometric instruments.” As Applicant noted in its Reply Brief, Applicant is a famous watchmaker, and will use MERLIN to identify a watch model. As such, Applicant has focused its arguments in the present appeal entirely on the potential for confusion between (1) the cited mark and its use for apparel and (2) Applicant’s use of MERLIN for watches (but not jewelry). Applicant therefore believes that removing the term “jewelry” from its identification of goods is necessary for the Board to properly determine whether Applicant’s planned use of the MERLIN mark would lead to consumer confusion.

Date: July 6, 2016

Respectfully submitted,

/Glenn A. Gundersen/

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**BREITLING SA**