

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

-----X  
 :  
 V SECRET CATALOGUE, INC. and :  
 INTIMATE BEAUTY CORPORATION :  
 D/B/A VICTORIA'S SECRET BEAUTY, :  
 :  
 Opposers, :  
 v. :  
 :  
 ZO BRANDS, LLC, :  
 (formerly JONATHAN POSNARD and :  
 ZOPPINI, LLC, :  
 Applicant. :  
 -----X

Opposition  
No. 91,161,849



01-03-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

**MOTION TO AMEND APPLICATION**

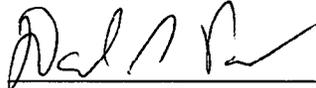
Applicant Zo Brands LLC, hereby files this Motion to Amend its currently opposed application (U.S. Serial No. 78/187,262) to delete the following Class 9 goods "electric hair curls and electric hair curling irons" from the current identification of goods and services. All the other goods and services in Class 9 and all other Classes remain the same. Pursuant to TBMP§514, Applicant has contacted counsel for Opposer who has indicated that they do not consent and are opposed to the Motion. Applicant does not believe that Opposer will be harmed by the instant Motion and respectfully requests that the Board grant this Motion to Amend. In an abundance of caution, Applicant is also enclosing a prosecution-style Amendment which is attached hereto as Exhibit "A."

Respectfully Submitted,

\_\_\_\_\_  
 Daniel S. Polley  
 Attorney for Applicants  
 1215 East Broward Blvd.  
 Fort Lauderdale, Florida 33301  
 (954) 234-2417

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing MOTION TO AMEND APPLICATION has been forwarded via First Class Mail, postage prepaid, to Opposer's attorney of record Frank J. Colucci, at Manhattan Tower, 101 East 52<sup>nd</sup> Street, New York, New York 10022 this 28<sup>th</sup> day of December, 2004.



\_\_\_\_\_  
Daniel S. Polley  
Attorney for Applicants  
1215 East Broward Blvd.  
Fort Lauderdale, Florida 33301  
(954) 234-2417

**EXHIBIT A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : ZO BRANDS, LLC, by Assignment from Jonathan Ponsard  
and :  
ZOPPINI, LLC  
Serial No. : 78/187,262  
Filing Date : November 20, 2002  
Mark : **ZO ZEXY**  
Examiner : Bridgett Smith  
Law Office : 115  
Docket No. : 1015.9003

**AMENDMENT**

Commissioner For Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514.

Dear Sir:

Please amend the description of goods and services as follows:

1. Please delete "electric hair curls and electric hair curling irons" from the list of goods in International Class 9.

**REMARKS**

This amendment deletes "electric hair curls and electric hair curling irons" from the list of goods in International Class 9. All other goods in International Class 9 remain. All other goods and services listed in all other Classes (i.e. Classes 3, 24, 25 and 35) remain the same.

It is respectfully believed that the above Amendment does not require republication of the Mark.

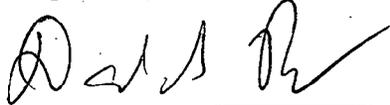
In re.of application: Zo Brands, LLC by Assignment from Jonathon Ponsard

Serial No. : 78/187,262

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Any additional charges, including extensions of time, please bill our Account No.  
503180.

Respectfully submitted,



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Daniel S. Polley, Registration No. 34,902

DANIEL S. POLLEY, P.A.

1215 East Broward Boulevard

Fort Lauderdale, Florida 33301

(954) 234-2417

**CLIENT NO. 44538**

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In re application of: Zo Brands, LLC  
Serial No. 78/187,262  
Mark: ZO ZEXY

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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing correspondence, MOTION TO AMEND APPLICATION, and any attachments thereto, is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Trademarks, Mail Box T.T.A.B., P.O. Box 1451, Alexandria, VA 22313-1451.

BETTY BERNAL

Name of Person Mailing  
Paper

Betty Bernal  
Signature

12/28/2004  
Date

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