

TTAB

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

BIGFOOT 4x4, INC.,

Opposer,

vs.

BIG O TIRES, INC.,

Applicant.



Opposition No. 91166074



09-08-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #25

APPLICANT'S MOTION TO AMEND APPLICATION

COMES NOW the Applicant, Big O Tires, Inc [hereinafter "Big O" or "Applicant"], through its undersigned counsel, and, pursuant to 37 C.F.R. §2.133(a) and TBMP §514, hereby moves for an Order from the Trademark Trial and Appeal Board (the "Board") amending the identification of goods in the opposed application, from "batteries" to "vehicle batteries."

In support of its Motion, Applicant points out that the proposed amendment identifies the goods with more particularity, and in fact serves to limit the scope of goods. Therefore, it should be accepted. *See* 37 C.F.R. §2.71(a) ("applicant may amend the application to clarify or limit, but not to broaden, the identification of goods and/pr services"); *see also* TMEP §1402.06. Moreover, the proposed amendment is consistent with how Applicant actually will use the mark (the application was filed based on an intent to use the mark). Such an amendment, since limiting in nature, would not prejudice Opposer.

Accordingly, Applicant respectfully requests that the Board grant Applicant's Motion to Amend Application.

BIG O TIRES, INC.

By:



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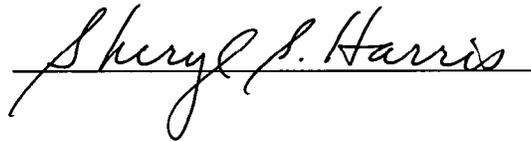
September 8, 2005

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2005, a true copy of the foregoing Applicant's Motion to Amend Application was served by first-class mail, postage prepaid, upon counsel for Applicant:

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