

ESTTA Tracking number: **ESTTA234848**

Filing date: **09/05/2008**

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

Proceeding	91185195
Party	Defendant Owens, Ernest
Correspondence Address	BRIAN PRICE HALE AND DORR LEGAL SERVICES CENTER 122 BOYLSTON ST JAMAICA PLAIN, MA 02130-2250 UNITED STATES bprice@law.harvard.edu
Submission	Motion to Amend Application
Filer's Name	Brian Price
Filer's e-mail	bprice@law.harvard.edu
Signature	/Brian Price/
Date	09/05/2008
Attachments	app amend.pdf ( 2 pages )(65677 bytes )

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

In the Matter of Application Serial No. 77/239,699  
For the mark: APPLEJAXX  
Filed: July 26, 2007  
Published: January 15, 2008

-----X  
APPLE INC., :  
 :  
Opposer, : Opposition No.: 91,185,195  
 :  
v. :  
 :  
ERNEST OWENS, :  
 :  
Applicant. :  
-----X

**POST PUBLICATION AMENDMENT  
OF APPLICATION AND CONDITIONAL  
STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Applicant Ernest Owens hereby amends Application Serial No. 77/239,699 to limit the specification of services as follows:

Class 41: Entertainment, namely live performances by the musician Ernest Owens; entertainment namely, performing live musical concerts featuring Ernest Owens

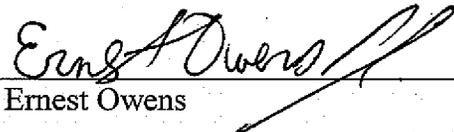
The amended identification of services is more restrictive and narrower than, and is clearly encompassed by, the original identification of services recited in the application. Any party who might be damaged by the registration of applicant's mark as applied to the amended, more restrictive and narrower identification of services would have made that belief known as a result of the original publication of applicant's mark which encompassed a broader identification of services. Pursuant to Section 1505.01(a) of the Trademark Manual of Examining Procedures,

this amendment may be entered since it merely deletes or limits the items from the identification of goods and services and, as such, does not require either an additional search or the republication of the mark.

Upon approval and entry of this amendment by the Board, the parties stipulate that the opposition and the claims and defenses asserted therein shall be dismissed without prejudice.

Dated: Jamaica Plain, Massachusetts

August 19, 2008

By:   
Ernest Owens

Consented To:

KILPATRICK STOCKTON LLP

By:   
Joseph Petersen  
Stephen J. Coates  
31 West 52<sup>nd</sup> Street  
New York, New York 10019  
(212) 775-8715  
Attorneys for Opposer Apple Inc.