

ESTTA Tracking number: **ESTTA767591**

Filing date: **08/30/2016**

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

| | |
|------------------------|---|
| Proceeding | 91227747 |
| Party | Defendant Stewart-Haas Racing, LLC |
| Correspondence Address | KARL S SAWYER JR NELSON MULLINS RILEY & SCARBOROUGH LLP 100 NORTH TRYON STREET , BANK OF AMERICA CORPORATE CTR 42ND FL CHARLOTTE, NC 28081 UNITED STATES karl.sawyer@nelsonmullins.com,donna.millard@nelsonmullins.com,ip@nelsonmullins.com |
| Submission | Motion to Amend Application |
| Filer's Name | Karl S. Sawyer, Jr. |
| Filer's e-mail | karl.sawyer@nelsonmullins.com,ltittemore@sunsteinlaw.com,donna.millard@nelsonmullins.com,ip@nelsonmullins.com |
| Signature | / Karl S. Sawyer, Jr. / |
| Date | 08/30/2016 |
| Attachments | Motion to Amend App Opp 91227747.pdf(1081030 bytes) |

**IN THE US PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|--------------------------|---|--|
| '47 BRAND, LLC |) | |
| Plaintiff |) | |
| |) | |
| v. |) | Opposition No. 91227747 |
| |) | US Trademark/Service Mark Appl. |
| Stewart-Haas Racing, LLC |) | Serial No. 86/624,753 Filed May 11, 2015 |
| Defendant |) | For: 41 and Design |
| _____ |) | |

MOTION TO AMEND APPLICATION

Applicant and Opposer have reached a settlement in Opposition Proceeding No. 91227747, pursuant to which Applicant has agreed to enter the accompanying amendments to the goods in this application. Such amendments are with the consent of Opposer. Favorable consideration and entry of the amendments by the Board is respectfully requested.

Amendments:

IC 012. US 019 021 023 031 035 044. G & S: License plate frames and license plate holders **marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia**

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed material, namely, brochures, magazines, newsletters, pamphlets, souvenir programs, all the foregoing in the field of motorsports **and marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia**; paper magazine covers, decals, static decals, stickers, trading cards, and window decals **marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia**

IC 021. US 002 013 023 029 030 033 040 050. G & S: Housewares **marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia**, namely, shot glasses, drinking glasses, cups, mugs and drinking steins, coffee cups, and pet feeding dishes; coasters not made of paper or cloth, bottle openers, portable beverage coolers, thermal insulated cooler bags for beverages, insulated portable sports coolers, thermal insulated containers for can beverages, plastic sports bottles sold empty, and plastic water bottles sold empty

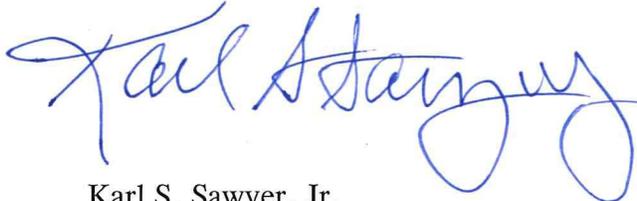
IC 025. US 022 039. G & S: Clothing marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia,

namely, crew neck shirts, fashion shirts, golf shirts, hats, caps, jackets, jerseys, sport shirts, polo shirts, pullover shirts, long pants, sweatshirts, T-shirts, tank tops, toboggan-type knit caps, coats, pajamas

IC 028. US 022 023 038 050. G & S: Toys and sporting goods marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia , namely: Miniature toys, namely, automobiles, toy model automobiles; automobile, truck, and all-terrain vehicle toy banks; golf balls, toy cars of plastic and metal, toy vehicle haulers, toy model cars and related accessories sold as a unit, diecast toy cars, and diecast toy vehicle haulers; replica toy driver helmets

IC 041. US 100 101 107. G & S: Entertainment services in the nature of participating in professional automobile races and auto racing exhibitions

Respectfully submitted,

A handwritten signature in blue ink, reading "Karl Sawyer, Jr.", with a stylized, cursive script.

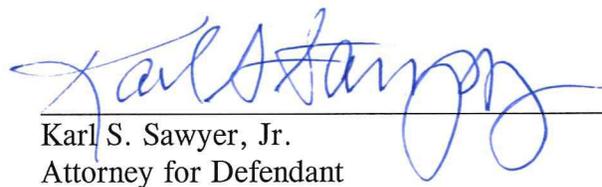
Karl S. Sawyer, Jr.
Attorney for Defendant
Nelson Mullins Riley & Scarborough LLP
100 North Tryon Street
Bank of America Corp. Ctr., 42nd Floor
Charlotte, North Carolina 28202
Telephone: (704) 417 3049
Fax: (704) 377 4814
Email: karl.sawyer@nelsonmullins.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION TO AMEND APPLICATION has been served on '47 Brand, LLC by mailing said copy on August 30, 2016, via First Class Mail, postage prepaid to:

Lisa M. Tittlemore, Partner
Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

August 30, 2016


Karl S. Sawyer, Jr.
Attorney for Defendant