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

Proceeding	91189412
Party	Defendant Mellbeck Ltd
Correspondence Address	James Tilleard Mellbeck Ltd. The Old Sorting Office, 92 High Street Mayport CA 156BE, UNITED KINGDOM
Submission	Opposition/Response to Motion
Filer's Name	James Tilleard
Filer's e-mail	james@edz.biz
Signature	/J Tilleard/
Date	05/27/2009
Attachments	Reply_to _motion_01.pdf (3 pages)(47627 bytes)

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

Applicant: Mellbeck Ltd
Serial No: 77518568
Filing Date: July 10 2008

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Mark: 
Published: December 2 2008

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Opposition No. 91189412

Mellbeck Ltd
Applicant

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v.

Esprit IP Ltd
Opposer

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REPLY TO MOTION FOR JUDGEMENT ON THE PLEADINGS

In the matter of Application Serial number 77518568 for the registration of the trademark



in international class 25 (the "**EDZ**" Mark) by Mellbeck Ltd. ("**Applicant**") and Esprit IP Limited ("**Opposer**"). In reply to the motion for judgement to the pleadings filed by the opposers on the 13th of May 2009;

1. We accept, with hindsight, that when we filed our application the following product groups were listed in error;

Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Belts; Bibs not of cloth or paper; Caps; Children's and infants' cloth bibs; Clothing, namely, neck tubes Children's cloth eating bibs; Cloth bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons; Cloth diapers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing, namely, arm warmers; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Corsets; Dusters; Foulards; Hoods; Infant and toddler one piece clothing; Infant cloth diapers; Jerseys; Leather belts; Mantles; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets;; ; Perspiration absorbent underwear clothing, Shifts; Short sets; Shoulder wraps; Swaddling clothes; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a

belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Wraps

2. We have filed a 'motion to amend' which now includes only the correct items that should have been listed at the outset & these are;

Clothing, namely, fleece jackets, t-shirts, ski masks, helmet liners, neck warmers, socks, thermal underwear, windcheaters, base-layers, thermal gloves, undersuits, long-johns, sweaters, hats;

3. This was a genuine error made when the application was filed online which arose from the applicant's unfamiliarity of the USA trademark application procedure. The applicant is from the UK, is not an attorney & has no prior experience or expertise in US trade mark procedure. No benefit to the applicant would have been derived by the inclusion of these additional groups, particularly as the list omitted those that the applicant should have listed in the first place.

We therefore respectfully submit that our application should not be dismissed on this technicality and be allowed to proceed on its merits.

Respectfully submitted



James Tilleard
Director
MELLBECK LTD, UK

Date May 27th 2009

Electronic signature /J Tilleard/

Mellbeck Ltd

The Old Sorting Office
92 High Street
Maryport
Cumbria, CA15 6BE, United Kingdom
Tel: 0044 (0)1900 81026
Fax: 0044 (0)1900 817955
email: info@edz.biz

CERTIFICATE OF MAILING

The undersigned certifies that the foregoing Motion to Amend is being filed electronically via the ESTTA system

With a copy sent via UPS to:

Paula Jill Krasny
Baker and McKenzie LLP
130 E. Randolph Street
Chicago
IL, 60601, United States

On the 27th of May 2009

A handwritten signature in black ink, appearing to read 'JT', written over a horizontal line.

James Tilleard