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Filing date: **05/02/2015**

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

Proceeding	91217384
Party	Defendant Garry Embry and Rebecca Embry
Correspondence Address	CHARLES H KNULL KNULL PC 630 NINTH AVENUE , SUITE 405 NEW YORK, NY 10036 UNITED STATES chk@knullpc.com, tms@knullpc.com, kate@knullpc.com, david@fahamlaw.com
Submission	Other Motions/Papers
Filer's Name	Charles H. Knull
Filer's e-mail	chk@knullpc.com, tms@knullpc.com,kate@knullpc.com
Signature	/Charles H Knull/
Date	05/02/2015
Attachments	motion to amend The Moonlite Mile.pdf(29551 bytes)

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

In the Matter of:

Application Serial No. 86/097,277
For the Mark: THE MOONLIGHT MILE
Publication Date: March 11, 2014

:
MOONLITE BAR-B-Q INN, INC.,

Opposer, Opposition No. 91217384

v.

GARRY EMBRY
& REBECCA EMBRY,

Applicants.
:
_____:

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

APPLICANT'S MOTION
TO AMEND THE DESCRIPTION OF GOODS IN ITS APPLICATION

Applicant, Garry Embry and Rebecca Embry ("Applicants"), by its undersigned counsel of record, respectfully moves, pursuant to TBMP section 514, that the description of goods in its application for the mark THE MOONLIGHT MILE, serial number 86/097,277, be amended to read as follows: "bar services" reflecting the following deletions from the services now listed in the application,

"~~Restaurant and~~ bar services~~, including restaurant carryout services; Restaurant and cafe service~~

37 CFR § 2.133 provides in part that:

> (a) An application subject to an opposition may not be amended in substance nor may a registration subject to a cancellation be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or upon motion granted by the Board.

Applicants intend to use the applied for mark solely for bar services, and the application was filed by Applicants former attorney for a broader range of services without the knowledge or consent of the Applicants.

Respectfully submitted,

Dated: May 2, 2015
New York, New York

By: //Charles H. Knull/

Charles H. Knull
Kate E. Rieber
630 Ninth Ave. Ste 405
New York, New York 10036
Tel.: (646) 233-1376
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E-mail: chk@knullpc.com

David C. Faham, of counsel
Attorney for Applicants,

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicants' Motion to Amend the Description of Goods in their application was served on Opposer Moonlite Bar-B-Que Inn Inc by mailing said copy on May 2, 2015, via First Class Mail, postage prepaid to:

Theodore A. Breiner
Breiner & Breiner LLC
115 North Henry Street
Alexandria, VA 22314-2903

___/Charles Knull_____
Charles Knull

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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