ESTTA Tracking number: **ESTTA846065**

Filing date: **09/14/2017**

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

Proceeding	91234842
Party	Defendant Pilot Research and Development Inc.
Correspondence Address	PILOT RESEARCH AND DEVELOPMENT INC. PILOT RESEARCH AND DEVELOPMENT INC. 524A BROWN STREET ATTN: LEGAL HEALDSBURG, CA 95448 Email: legal@pilotrd.com, dana@pilotrd.com, founders@pilotrd.com
Submission	Motion to Amend Application
Filer's Name	Dana Peck
Filer's email	dana@pilotrd.com
Signature	/Dana Peck/
Date	09/14/2017
Attachments	Motion to Amend Executed.pdf(236081 bytes) PILOT RD Specimens.pdf(1884356 bytes) New Drawing of the amended mark.pdf(8793 bytes)

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

In the Matter of U.S. Application Serial No. 87/154,528
Mark: PILOT R+D

HILLSTONE RESTAURANT GROUP, INC.	)	
Opposer,	)	Opposition No. 91234842
vs.	)	
PILOT RESEARCH AND DEVELOPMENT INC.)	)	
Applicant.	)	

MOTION TO AMEND APPLICATION WITH CONSENT

Pursuant to 37 C.F.R. §2.133 and T.B.M.P. §514, Applicant PILOT RESEARCH AND DEVELOPMENT INC., with consent of Opposer HILLSTONE RESTAURANT GROUP INC., hereby respectfully moves to amend Applicant's mark from the mark included in U.S. Application Serial No. 87/154,528 and depicted below to the amended mark depicted below:

PILOT R+D	PILOT R&D
Applicant's applied-for mark	Applicant's amended mark

As shown above, the symbol for "and" is amended from "+" to "&". Both the amended mark and the applied-for mark convey the same meaning. Moreover, consumers will verbalize the amended mark the same as the applied-for mark, namely, "Pilot R and D". Therefore, the amended mark creates essentially the same commercial impression as the applied-for mark. In determining whether a mark may be amended, "[t]he controlling question is always whether the old and new forms of the mark create essentially the same commercial impression." TMEP

807.14. Applicant respectfully submits that the proposed amendment does not materially alter the mark and requests that the Board approve the amendment without republication of the mark.

STATEMENT OF CONSENT

Opposer consents to the amendment as described above. Upon approval of the amendment by the Trademark Trial and Appeal Board, Opposer will withdraw the subject Opposition. For the foregoing reason, Applicant requests that this motion be granted and the amendment allowed so as to resolve the Opposition.

Respectfully Submitted,

Dated: 9/12/17

Applicant:

PILOT RESEARCH AND DEVELOPMENT INC.

Dana Peck
CEO
524A Brown Street
Healdsburg, CA 95448
(707) 955-5578
Email: legal@pilotrd.com

Consented to,

Dated: 9/14/17

Opposer:

HILLSTONE RESTAURANT GROUP, INC.
By counsel

David J. Stewart
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309
404-881-7952
Email: david.stewart@alston.com

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Amend Application with Consent is being served by electronic mail, with consent, to:

David J. Stewart
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Attorneys for Opposer

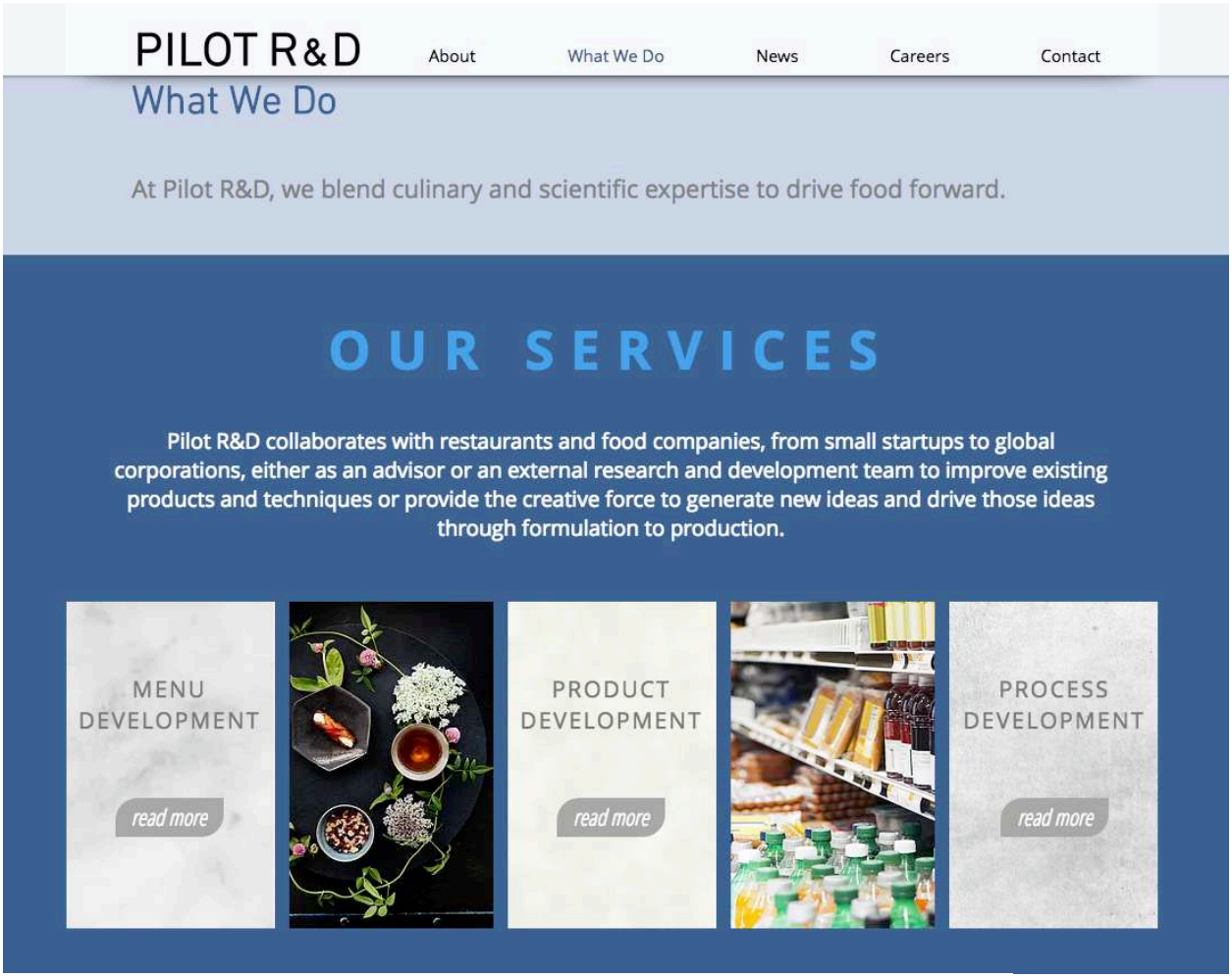
Date: 9/14/17

By:
Dana Peck

PILOT R&D Specimens:

Used as early as October 27, 2014:

Materials marketing our services:



Kyle Connaughton, Dan Felder, and Ali Bouzari

Pilot R&D

Press Materials:

ZAGAT

30 UNDER 30

Rock Stars Redefining the Industry

San Francisco 2014

Ali Bouzari, 27

Cofounder/Culinary Scientist at PILOT R&D

What do Benu, SPQR, Meadowood, Bar Tartine and the Thomas Keller Group have in common? They've all collaborated with Ali Bouzari. You may never have heard of Bouzari, but this food scientist is influencing some of the country's most innovative restaurants. It helps that he cooked in restaurants while he was a biochemistry undergrad before pivoting to academics, studied sous vide at The French Laundry for his dissertation and helped develop the CIA's Culinary Science curriculum. "To make an impact and really help a restaurant make a better french fry, you have to understand the cook making those french fries isn't going to have room for a 17-step process in his daily routine, so understanding the ebb and flow in the kitchen has been just as important as actually knowing the sciencey stuff." These days, the TEDx speaker splits his time between New York and

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Forbes

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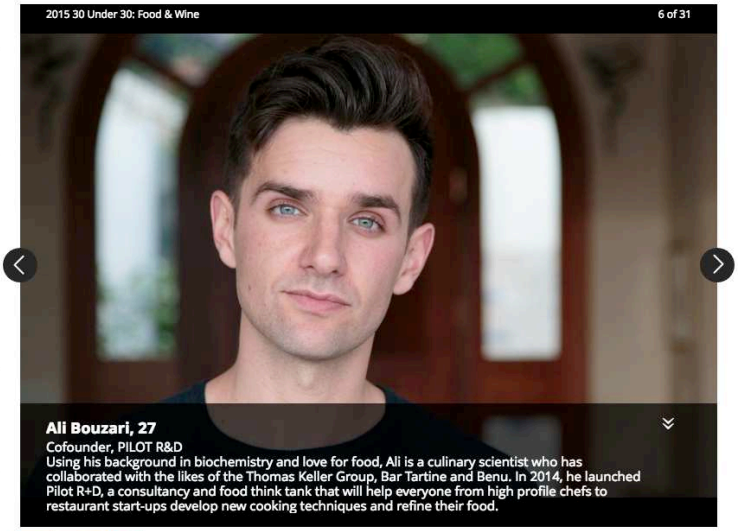
- oughest Jobs To Fill In 2017
- 0 Under 30: The Standouts
- 2000: The World's Top 25 Companies
- stest And Slowest Growing Jobs
- ll Company Stocks You Should Own

2015 30 Under 30: Food & Wine 6 of 31



Ali Bouzari, 27

Cofounder, PILOT R&D

Using his background in biochemistry and love for food, Ali is a culinary scientist who has collaborated with the likes of the Thomas Keller Group, Bar Tartine and Benu. In 2014, he launched Pilot R+D, a consultancy and food think tank that will help everyone from high profile chefs to restaurant start-ups develop new cooking techniques and refine their food.

New Drawing of the amended mark:

PILOT R&D