

ESTTA Tracking number: **ESTTA896240**

Filing date: **05/13/2018**

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

Proceeding	91236279
Party	Defendant Chef's Touch Sales and Marketing, LLC
Correspondence Address	MANDY T GARRELS CERES PATENT & TECHNOLOGY LLC 529 ONTARIO AVE, SN2 SHEBOYGAN, WI 53081 UNITED STATES Email: mgarrels@intellectualcounsel.com
Submission	Motion to Amend Application
Filer's Name	MANDY T. GARRELS
Filer's email	mgarrels@intellectualcounsel.com
Signature	/MANDY T. GARRELS/
Date	05/13/2018
Attachments	Motion.Amend.App.Memorandum.5.13.18.pdf(453429 bytes)

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

FRITO-LAY NORTH AMERICA, INC.

OPPOSER,

V.

OPPOSITION NO. 91236279

MARK: LET'S TAILGATE!

CHEF'S TOUCH SALES AND
MARKETING, LLC

SERIAL NO. 87/249,836

APPLICANT.

APPLICANT'S MOTION TO AMEND APPLICATION

For the reasons specified in Applicant's accompanying Memorandum, Applicant, Chef's Touch Sales and Marketing, LLC ("Applicant"), respectfully requests that the Application, Serial No. 87/249,836 be amended as follows:

No claim is made to the exclusive right to use "TAILGATE" apart from the mark as shown.

May 13, 2018

Respectfully Submitted



Mandy T. Garrels, Esq.
CERES Patent & Technology, LLC
529 Ontario Ave., Ste SN2
Sheboygan, WI 53081
Telephone: (920) 287-7933
Email: mgarrels@intellectualcounsel.com
Attorneys for Chef's Touch Sales and
Marketing, LLC

CERTIFICATE OF FILING

I hereby certify a true and complete copy of the foregoing APPLICANT'S MOTION TO AMEND APPLICATION was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system, on May 13, 2017.

By: 

Mandy T. Garrels

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S MOTION TO AMEND APPLICATION has been served on Opposer by forwarding said on May 13, 2018 via email to:

WOMBLE BOND DICKINSON (US) LLP
Attorney Tiffani D. Otey
Attorneys for Frito-Lay North America, Inc.
Email to: Tiffani.Otey@wbd-us.com
Jacob.Wharton@wbd-us.com
Angie.wicker@wbd-us.com
Laura.kees@wbd-us.com
tmdocketing@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP
Attorney Tiffani D. Otey
One West Fourth Street
Winston-Salem, NC 27101
(336) 747-6609

By: _____

Mandy T. Garrels

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

FRITO-LAY NORTH AMERICA, INC.

OPPOSER,

V.

OPPOSITION NO. 91236279

MARK: LET'S TAILGATE!

CHEF'S TOUCH SALES AND
MARKETING, LLC

SERIAL NO. 87/249,836

APPLICANT.

MEMORANDUM SUPPORTING APPLICANT'S MOTION TO AMEND APPLICATION

Pursuant to Rule 37 CFR § 2.133(a) of the Federal Rules of Regulation, 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.

Applicant believes that the amendment is appropriate to overcome Opposer's objections to the word "TAILGATE" and will help to clarify and narrow the scope of issues pending. All filed specimens originally filed support the proposed amendment. The proposed amendment does not alter the mark, materially or otherwise.

The Applicant, Chef's Touch Sales and Marketing, LLC, respectfully moves to amend the above referenced Application as follows:

No claim is made to the exclusive right to use "TAILGATE" apart from the mark as shown.

May 13, 2018

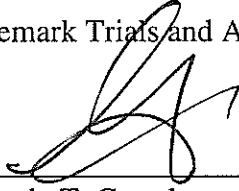
Respectfully Submitted



Mandy T. Garrels, Esq.
CERES Patent & Technology, LLC
529 Ontario Ave., Ste SN2
Sheboygan, WI 53081
Telephone: (920) 287-7933
Email: mgarrels@intellectualcounsel.com
Attorneys for Chef's Touch Sales and
Marketing, LLC

CERTIFICATE OF FILING

I hereby certify a true and complete copy of the foregoing MEMORANDUM TO SUPPORT APPLICANT'S MOTION TO AMEND APPLICATION was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system, on May 13, 2017.

By:  _____
Mandy T. Garrels

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MEMORANDUM TO SUPPORT APPLICANT'S MOTION TO AMEND APPLICATION Has been served on Opposer by forwarding said on May 13, 2018 via email to:

WOMBLE BOND DICKINSON (US) LLP
Attorney Tiffani D. Otey
Attorneys for Frito-Lay North America, Inc.
Email to: Tiffani.Otey@wbd-us.com
Jacob.Wharton@wbd-us.com
Angie.wicker@wbd-us.com
Laura.kees@wbd-us.com
tmdocketing@wbd-us.com

WOMBLE BOND DICKINSON (US) LLP
Attorney Tiffani D. Otey
One West Fourth Street
Winston-Salem, NC 27101
(336) 747-6609

By: 

Mandy T. Garrels