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

Proceeding	91237459
Party	Defendant Malibu Pirates IP Holdings, LLC
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Submission	Other Motions/Papers
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Date	09/12/2018
Attachments	Consented Motion to Amend Trademark Application in Opposition 91237459.12sep18.pdf(38523 bytes)

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

IN THE MATTER OF APPLICATION

Mark : MP stylized
Applicant : Malibu Pirates IP Holdings, LLC
Serial No. : 87/286,042
Filed : December 30, 2016
Published in
the Official Gazette : June 27, 2017

VIA ELECTRONIC FILING:
Date: September 12, 2018

Aqua Lung America, Inc.

Opposer

Opposition No. 91237459

v.

Malibu Pirates IP Holdings, LLC

Applicant

CONSENTED MOTION TO AMEND TRADEMARK APPLICATION

Applicant, Malibu Pirates IP Holdings, LLC (“Applicant”), hereby submits its Consented Motion to Amend Trademark Application with the following Amendment to the above trademark application. Opposer has consented to the submission of this Consented Motion. This Amendment is in full compliance with the above Opposition entered by Aqua Lung America, Inc. (Opposer”) as follows:

Amend the description of goods for the above trademark application to read as follows:

Apparel, namely, shirts, t-shirts, pants, skirts, blouses, shorts, jeans, sweat shirts, sweaters, hoodies, caps being headwear, hats, beanies, bandanas, headbands, wrist bands, stockings, socks, shoes, tennis shoes, sandals, flip-flops, jackets, rain jackets, ponchos, coats, scarfs, belts, hoods, gloves, mittens, pajamas, underwear, boxers briefs, bras, tights and leggings; yoga wear, namely, yoga shirts, yoga shorts and yoga pants; bikinis, and sarongs; beach

shoes, and beach cover-ups; apparel for dancers, namely, leggings, shirts, jackets, pants, sweat shirts, t-shirts, and skirts; apparel for cheerleaders, namely, uniforms, shirts, shorts, jackets, pants, sweat shirts, and t-shirts; children's clothing, namely, shirts, shorts, jackets, pants, sweat shirts, and t-shirts; women's clothing, namely, dresses, shirts, shorts, jackets, pants, sweat shirts, t-shirts, lingerie, visors and sun visors; athletic clothing namely, shirts, pants, jackets, vests, footwear, athletic shoes, hats and caps, athletic uniforms and jerseys; fine clothing and casual wear, namely, suits, sport coats, slacks, sweaters, shirts, shoes, hats and leather hats; formal wear, namely, tuxedos, formal dresses, vests, shoes, socks, hats, and wedding dresses.

REMARKS

Please note that this Amendment to the description of goods has removed: “swim wear, namely swim suits;” and “beach wear, namely, wet suits.” As stated in the Notice of Opposition, under “Prayer” on page 5, this Amendment complies entirely with the Prayer of Opposer in this case.

Pursuant to TBMP 514, 37 CFR 2.133, Opposer has consented to this Amendment, and is expected to enter a Withdrawal as soon as this Amendment has been accepted by the Board.

Wherefore, Applicant prays that upon a Motion to Withdraw (a) This opposition be dismissed; and (b) Application Serial No. 87/286042 as amended be registered to the Applicant.

Dated: September 12, 2018

Attorney for Applicant

/Richard L. Hill/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this September 12, 2018, a true copy of the foregoing CONSENTED MOTION TO AMEND TRADEMARK APPLICATION was served in the following manner:

VIA FIRST CLASS MAIL

Michael D. Hobbs, Jr.
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AND VIA EMAIL

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/s/ Ron Thurman

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission has been filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this September 12, 2018.

Attorney for Applicant

/Richard L. Hill/

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