

ESTTA Tracking number: **ESTTA876708**

Filing date: **02/12/2018**

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

Proceeding	91239066
Party	Defendant Loyalty Bound LLC
Correspondence Address	SCOTT L. HARPER GRIFFITH BATES CHAMPION & HARPER LLP 5910 N. CENTRAL EXPY., SUITE 1050 DALLAS, TX 75206 Email: docketing@griffithbates.com
Submission	Motion to Amend Application
Filer's Name	Scott L. Harper
Filer's email	docketing@griffithbates.com
Signature	/scott l. harper/
Date	02/12/2018
Attachments	20180212 Applicants Motion to Amend with Consent.pdf(975228 bytes )

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

PVH Corp.	§	Mark: EAGLE45
	§	
Opposer,	§	Opposition No. 91239066
	§	
v.	§	Serial No. 87/379,335
	§	
LOYALTY BOUND, LLC	§	Publication Date: July 25, 2017
	§	
Applicant.	§	

**APPLICANT'S MOTION TO AMEND WITH CONSENT**

Pursuant to 37 C.F.R. § 2.133 and § 514.02 of the Trademark Trial and Appeal Board Manual of Procedure, Applicant Loyalty Bound, LLC, through its attorneys of record, hereby respectfully files this Motion to Amend the opposed application at issue in the instant case, specifically to amend the identification of goods contained therein. This Motion is made with the consent of Opposer, PVH Corp., as evidenced by the signature of Opposer's attorney of record on page 2 of this Motion.

Applicant respectfully requests the following changes to the identification of goods for Application Serial No. 87/379,335 (proposed additional language underlined and proposed language for deletion stricken through):

Boys' clothing, namely, t-shirts, long sleeve t-shirts, baseball caps, and hoodies sold in hunting, fishing and fitness retail stores; hunting, fishing, and fitness online stores; the Chris Kyle Frog Foundation website; and the Chris and Taya Kyle family website, with a portion of proceeds from such sales to be provided to the Chris Kyle Frog Foundation to support military and first responder programs

Such that the amended identification of goods shall read as follows:

Boys' clothing, namely, t-shirts, long sleeve t-shirts, baseball caps, and hoodies sold in hunting, fishing, and fitness retail stores; hunting, fishing, and fitness online stores; the Chris Kyle Frog Foundation website; and the Chris and Taya Kyle family website, with a portion of proceeds from such sales to be provided to the Chris Kyle Frog Foundation to support military and first responder programs.

As grounds for this Motion, Applicant states the above proposed amendments accurately convey the goods that Applicant intends to offer in connection with the EAGLE45 mark, which is the subject of the application at issue in this opposition. Moreover, and in compliance with 37 C.F.R. §2.71(a), the proposed amendments serve clarify and limit, but not to broaden the identification of goods.

Accordingly, Applicant respectfully requests the Board amend the opposed application as set forth above.

Dated: February 12, 2018

Respectfully submitted,



Scott L. Harper  
Laura A. Brock  
GRIFFITH BATES CHAMPION &  
HARPER LLP  
5910 N. Central Expressway, Suite 1050  
Dallas, TX 75206  
Phone: 214-238-8400  
Fax: 214-238-8401

**ATTORNEYS FOR APPLICANT  
LOYALTY BOUND, LLC**

Dated: February 9, 2018

Consented to:



Lisa Mottes  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Phone: 212-218-2100  
Fax: 214-218-2200


**ATTORNEY FOR OPPOSER,  
PVH Corp.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **Applicant's Motion to Amend with Consent** has been served on Edward E. Vassallo & Lisa Mottes, counsel of record for Opposer, by forwarding said copy on February 12<sup>th</sup>, 2018, via email to:

Edward E. Vassallo & Lisa Mottes  
FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
[lmottes@fchs.com](mailto:lmottes@fchs.com), [khamilton@fchs.com](mailto:khamilton@fchs.com) and [docketing@fchs.com](mailto:docketing@fchs.com)

Dated: February 12<sup>th</sup>, 2018

  
\_\_\_\_\_  
Scott L. Harper