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Filing date: **01/12/2021**

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

Proceeding	91265927
Party	Defendant Jeff Gordon, Inc.
Correspondence Address	SUSAN S. JACKSON NELSON MULLINS RILEY & SCARBOROUGH LLP 301 SOUTH COLLEGE STREET ONE WELLS FARGO CENTER, 23RD FLOOR CHARLOTTE, NC 28202 UNITED STATES Primary Email: ip@nelsonmullins.com Secondary Email(s): susan.jackson@nelsonmullins.com 704-417-3126
Submission	Motion to Amend Application
Filer's Name	Lauren G. Hunstad
Filer's email	lauren.hunstad@nelsonmullins.com , ip@nelsonmullins.com
Signature	/Lauren G. Hunstad/
Date	01/12/2021
Attachments	Motion for Amendment of Application.pdf(79597 bytes)

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

Ole Smoky Distillery, LLC,

Opposer,

v.

Jeff Gordon, Inc.,

Applicant.

Opposition No.: 91265927

Mark: THE BARN

Serial No.: 88/814,739

JOINT MOTION FOR AMENDMENT OF APPLICATION

Pursuant to TBMP §§ 514.02 and 605.03(b) and 37 C.F.R. § 2.133(a), and in accordance with a settlement agreement between Opposer and Applicant, Applicant respectfully requests that the services in the subject United States Trademark Application Serial No. 88/814,739 be amended to read as follows:

Redline of Amendment:

Class 35: Advertising and promoting entertainment and hospitality events **to be held at automobile racing facilities**

Class 41: Entertainment services in the nature of offering VIP experiences and hospitality events, namely, arranging and conducting special events for social entertainment purposes and providing night club entertainment services; hospitality services **at automobile racing facilities**, namely, providing live musical performances

Amended Text:

Class 35: Advertising and promoting entertainment and hospitality events to be held at automobile racing facilities

Class 41: Entertainment services in the nature of offering VIP experiences and

hospitality events, namely, arranging and conducting special events for social entertainment purposes and providing night club entertainment services; hospitality services at automobile racing facilities, namely, providing live musical performances

Opposer consents to the amendment of the services as set forth herein.

Upon granting the amendment, Opposer and Applicant respectfully move the Trademark Trial and Appeal Board to grant Opposer's Motion for Withdrawal of Opposition filed on January 6, 2021.

In the event that the Board will not grant the amendment, Applicant and Opposer request that the proceeding be suspended for three months so the parties can consider further settlement positions.

Dated: January 12, 2021

Respectfully submitted,

ROBINSON IP LAW, PLLC

By: /s/ Michael E. Robinson
Michael E. Robinson, Reg. No. 58,947
Matthew M. Googe, Reg. No. 66,985
9724 Kingston Pike, Suite 1102
Knoxville, TN 37922

Attorneys for Opposer

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Susan S. Jackson
Susan S. Jackson, N.C. Bar No. 24512
301 S. College Street
Suite 2300, IP Department
Charlotte, NC 28202

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2021 the forgoing JOINT MOTION FOR AMENDMENT OF APPLICATION was served on counsel of Opposer, by sending the same via electronic mail to the attorney of record listed in the TTABVUE system:

Michael E. Robinson
Robinson IP Law, PLLC
9724 Kingston Pike, Suite 1102
Knoxville, TN 37922
United States
Docketing@Robinsoniplaw.com, Rrobinson@Robinsoniplaw.com
Phone: 865-978-6480

This, the 12th day of January 2021.

NELSON MULLINS RILEY &
SCARBOROUGH LLP

By: /s/ Susan S. Jackson
Susan S. Jackson

Attorney for Applicant