

ESTTA Tracking number: **ESTTA1269066**

Filing date: **03/01/2023**

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

Proceeding no.	91266044
Party	Defendant Maxbike, Inc.
Correspondence address	WENDY PETERSON NOT JUST PATENTS LLC 1248 VICTORIA ST N ST PAUL, MN 55117 UNITED STATES Primary email: wsp@njpls.com Secondary email(s): wspnjpls@gmail.com 6515007590
Submission	Motion to Amend Application
Filer's name	Wendy Peterson
Filer's email	wsp@njpls.com
Signature	/Wendy Peterson/
Date	03/01/2023
Attachments	Consented Amended Motion to Amend Application and Dismiss.pdf(25489 bytes)

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

JOMA SPORT SA,

Opposer,

-against-

MAXBIKE, INC.,

Applicant.

Opposition No. 91266044

AMENDED MOTION TO AMEND APPLICATION

Applicant, Maxbike, Inc., requests amendment of Application Serial No. 88842657, which is the subject of this Opposition, to amend and limit the services in Class 35, as follows (deletions are indicated by strike-throughs):

Class 35: Wholesale and retail store services featuring ~~Bicycle frames, Bicycle frames and bicycle handlebar grips, Bicycle parts, namely, tubes and connectors for bicycle frames, Bicycles, Electric bicycles, Electric vehicles, namely, self-propelled electric vehicles, Frames for bicycles, Mobility scooters, Mopeds, Push scooters, Sleighs for transport purposes, Snowmobiles, Two-wheeled trolleys, Folding bicycles, Folding electric bicycles, Motorized bicycles, Motorized mobility scooters, Motorized personal mobility scooters, Mountain bicycles, Self-propelled electric vehicle, Touring bicycles; On-line wholesale and retail store services featuring Bicycle frames, Bicycle frames and bicycle handlebar grips, Bicycle parts, namely, tubes and connectors for bicycle frames, Bicycles, Electric bicycles, Electric vehicles, namely, self-propelled electric vehicle, Frames for bicycles, Mobility scooters, Mopeds, Push scooters, Sleighs for transport purposes, Snowmobiles, Two-wheeled trolleys, Folding bicycles, Folding electric bicycles, Motorized bicycles, Motorized mobility scooters, Motorized personal mobility scooters, Mountain bicycles, Self-propelled electric vehicle, Touring bicycles; On-line wholesale and retail store services featuring controllers, LCD displays, batteries, battery chargers for vehicles.~~

If the amendment is accepted, the services in Class 35 would read as follows:

Class 35: Wholesale and retail store services featuring electric bicycles, electric vehicles, namely, self-propelled electric vehicles; On-line wholesale and retail store services featuring controllers, LCD displays, batteries, battery chargers for vehicles.

Since the amendment limits and does not expand the services in Class 35, Applicant submits that the amendment is permissible under 37 CFR §2.71.

Opposer consents to this amendment, which consent is indicated by signature of counsel for Opposer below.

Conditioned upon acceptance and entry of the requested amendment, the parties request that this Opposition No. 91266044 be dismissed with the consent of Applicant.

Dated: St. Paul, MN
March 1, 2023

Respectfully submitted,

By: /Wendy Peterson/

Wendy Peterson
Not Just Patents LLC
1248 Victoria St. N
St Paul, MN 55117
(651) 500-7590

Opposer hereby consents to the Amendment:

Dated: New York, New York
March 1, 2023

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: /Richard Lehv/

Richard Lehv
151 West 42nd Street, 17th Floor
New York, New York 10036
(212) 813-5900
Attorneys for Opposer

Certificate of Service

I certify that the foregoing is being served by email on the attorney for Opposer, on March 1, 2023, at rlehv@fzlz.com.

/Wendy Peterson/
Wendy Peterson