

ESTTA Tracking number: **ESTTA1269794**

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

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

Proceeding no.	91273990
Party	Defendant Francesco A Civetta
Correspondence address	CLAY MCGURK THE LAW OFFICE OF CLAY MCGURK PO BOX 1488 ORANGE, CA 92856 UNITED STATES Primary email: claymcgurk@gmail.com 949-395-3942
Submission	Other Motions/Submissions
Filer's name	Clay McGurk
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Date	03/03/2023
Attachments	91273990_MOTION_TO_AMEND_APPLICATION_3-3-2023.pdf(148647 bytes)

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

Kiss Catalog, Ltd.)	
)	
Opposer,)	
)	
v.)	Opposition No. <u>91273990</u>
)	
Francesco A. Civetta)	
)	Applicant's Mark: <u>90601637</u>
)	
Applicant.)	
)	

REQUEST TO AMEND APPLICATION WITHOUT CONSENT

Pursuant to Rule 37 CFR § 2.133, Applicant, **FRANCESCO A. CIVETTA**, respectfully requests to add and/or amend the description of services in International Class 41 as follows:

Entertainment services in the nature of live visual and audio performances by a synth-pop female and male duo group, ~~namely, musical band, rock group, gymnastic, dance, and ballet performances~~; Entertainment, namely, live performances by a synth-pop female and male duo group ~~musical band~~; ~~Entertainment, namely, live performances by musical bands"~~.

If this amendment is allowed, the final English translation for U.S. Appl. **90601637** should read as follows:

Entertainment services in the nature of live visual and audio performances by a synth-pop female and male duo group; Entertainment, namely, live performances by a synth-pop female male duo group.

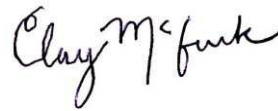
No other amendments for U.S. Appl. **90601637** are requested by Applicant.

Opposer, **Kiss Catalog, Ltd.** has not given consent to Applicant for this amendment.

Pursuant to TMEP § 514.03, Applicant is entitled to a registration with the restriction proposed above because the restriction will avoid a likelihood of confusion and that Opposer is not using its mark on services being excluded from the registration.

WHEREFORE, Applicant respectfully moves that the description of services in International Class 41 noted above for U.S. Appl. **90601637** be amended.

RESPECTFULLY SUBMITTED,



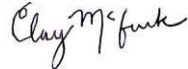
DATED: **March 3, 2023**

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CERTIFICATE OF SERVICE

On **March 3, 2023**, in Opposition **91273990**, I hereby certify that a true and complete copy of **REQUEST TO AMEND APPLICATION WITHOUT CONSENT** have been served via email to the following email account of records:

pvrnum@gordonherlands.com



Clay McGurk