

ESTTA Tracking number: **ESTTA283038**

Filing date: **05/11/2009**

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

Proceeding	94002389
Party	Applicant Live Bait, LLC
Correspondence Address	David R. Burkholder Balch & Bingham LLP 1901 6th Ave N Birmingham, AL 35203-2618 UNITED STATES dburkholder@balch.com
Submission	Motion to Amend Application
Filer's Name	David R. Burkholder
Filer's e-mail	dburkholder@balch.com
Signature	/davidburkholder/
Date	05/11/2009
Attachments	Live_Bait_Motion_to_Amend_Application_.pdf (2 pages)(65005 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

LIVE BAIT, LLC,)	
)	
Plaintiff,)	
)	
v.)	Concurrent Use No.: 94002389
)	
THEME FOOD, INC.,)	
)	
Defendant.)	

MOTION FOR AMENDMENT TO APPLICATION

Live Bait, LLC (“Live Bait”), an Alabama limited liability company, hereby requests an amendment to its previously-filed application for concurrent use as follows:

1. Live Bait hereby amends its area of use as “the entire State of Alabama and the following counties in the State of Florida: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Calhoun, Bay, Gulf, Gadsden, Liberty, Leon, Wakulla, Franklin, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco, Pinellas, Hillsborough, and Manatee.”

2. Live Bait hereby identifies Defendant Theme Food, Inc.’s area of use as “the entire United States except the State of Alabama and the following counties in the State of Florida: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Calhoun, Bay, Gulf, Gadsden, Liberty, Leon, Wakulla, Franklin, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco, Pinellas, Hillsborough, and Manatee.”

WHEREFORE, Plaintiff Live Bait respectfully requests the above amendment to its application for concurrent use in this proceeding.

Dated: May 11, 2009

Respectfully submitted,

David R. Burkholder
Attorney for Plaintiff, Live Bait, LLC

OF COUNSEL:

Kimberly T. Powell
David R. Burkholder
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, AL 35201-0306
Telephone: (205) 251-8100
Facsimile: (205) 488-5719
E-mail: dburkholder@balch.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following electronically and by U. S. Mail, properly addressed and postage prepaid, on this the 11th day of May, 2009:

Michael A. Cornman
Elliott W/ Lipins
Ladas & Parry LLC
26 West 61st Street
New York, New York 10023
mcornman@ladas.com
elipins@ladas.com

Of Counsel