

## Note To The File

Serial Number: 88221495  
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Created by: Leslie Bishop

TEXAS FIGHT

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### Contacted Applicant/Atty

- via E-Mail

**From:** Steven Espenshade [mailto:[sespensshade@pirkeybarber.com](mailto:sespensshade@pirkeybarber.com)]  
**Sent:** Monday, January 28, 2019 4:16 PM  
**To:** Bishop, Leslie <[Leslie.Bishop@uspto.gov](mailto:Leslie.Bishop@uspto.gov)>  
**Subject:** RE: 88221495 TEXAS FIGHT and 88224189 THIS IS TEXAS

Hi Leslie,

Yes, "State Agency United States of America" should be corrected to "State Agency Texas"; that is just a typo.

We agree with amending "*cheerleading dresses and uniforms*" to be "*cheerleading dresses and cheerleading uniforms*."

Instead of a disclaimer, we would be willing to submit a claim of § 2(f) in part for "TEXAS." The applicant owns incontestable registrations for the word mark TEXAS covering clothing Class 25 (Reg. No. 1426639) and educational/entertainment services in Class 41 (Reg. No. 1231407), and the Office has regularly accepted a claim of § 2(f) in part for "TEXAS" in subsequent applications/registrations owned by the applicant for marks incorporating "TEXAS" and covering related goods/services in these Classes (such as Reg. Nos. 4980717, 2444339, and 1451400 and Serial Nos. 86586896 and 86586903). Please let me know if this would be acceptable.

Best regards,

**Steven M. Espenshade**

Member  
512-482-5242 (direct)

[Pirkey Barber PLLC](#)

**From:** Bishop, Leslie <[Leslie.Bishop@uspto.gov](mailto:Leslie.Bishop@uspto.gov)>  
**Sent:** Monday, January 28, 2019 2:44 PM  
**To:** Steven Espenshade <[sespensshade@pirkeybarber.com](mailto:sespensshade@pirkeybarber.com)>  
**Subject:** 88221495 TEXAS FIGHT and 88224189 THIS IS TEXAS

Good afternoon Mr. Espenshade:

Regarding these two applications: both were submitted with the entity of "State Agency United States of America." Should this be corrected to "State Agency Texas"? May I clarify that the id in '489 should include "cheerleading dresses and cheerleading uniforms"? Right now, the id has uniforms several times and I want to make certain that it is not queried as a duplicate entry. And a disclaimer of TEXAS is warranted as the geographic location of the services and source of the goods.

Please let me know if I may enter an examiner's amendment to make these changes. Thank you.

~Leslie

Leslie Bishop | Managing Attorney | Law Office 107 | United States Patent and Trademark Office |  
571-272-9445