

**PETITION TO WITHDRAW APPLICATION FROM PUBLICATION AND RESTORE  
JURISDICTION TO THE EXAMINING ATTORNEY FOR CONSIDERATION OF  
PROPOSED AMENDMENT AFTER PUBLICATION OF THE STATUTORY BASIS FOR  
REGISTRATION FROM SECTION 1(b) TO SECTION 44(e), REQUEST TO AMEND  
THE GOODS, REQUEST TO AMEND THE MARK AND AMENDEMENTS AND  
REMARKS IN SUPPORT THEREOF**

Pursuant to T.M.E.P. §§ 806.03(a) and 1505.01(f), 37 C.F.R. §2.35(b), Applicant, Kering, hereby petitions to withdraw its application from publication and restore jurisdiction to the Examining Attorney for consideration of an amendment, changing the statutory basis for registration of the above-referenced application from Section 1(b) of the Trademark Act, 15 U.S.C. § 1051 to Section 44(e) of the Trademark Act, 15 U.S.C. § 1126(e) as well as an amended to limit/amend the goods to conform with the goods listed/covered by the Section 44(e) basis, a request to amend the mark to conform with the mark shown in the foreign registration and the amendments and remarks supporting the foregoing.

T.M.E.P. § 806.03(a) and § 1505.01(f) provide, in pertinent part:

After a mark has been published for opposition, the applicant may amend to add or substitute a basis for registration in an application that is not the subject of an *inter partes* proceeding before the Trademark Trial and Appeal Board only if the applicant files a petition to the Director and the Director grants the Petition.

Applicant submits that its application is not the subject of an *inter partes* proceeding before the Trademark Trial and Appeal Board. Applicant also submits that it is the owner of French Registration No. 164312874 (the “Registration”). The Registration is now in force and effect. Applicant respectfully submits that the Registration satisfies all requirements to register its mark under Section 44(e) of the Trademark Act, 15 U.S.C. §§1126(b) and (c). A copy of the Registration issued from the French Trademark Office and a signed English translation is attached to the Section

44(e) basis will apply to all of the following goods listed in the Notice of Allowance: Spectacle frames, spectacles, sunglasses, tinted or anti-glare spectacles, protective goggles, pince-nez, opera glasses, magnifying glasses, cases for spectacles and cases for contact lenses; optical apparatus/instruments, namely, cases for eyeglasses and sunglasses; optical correcting lenses, spectacle glasses, contact lenses, tinted or filter lenses for spectacles, protective lenses for eyewear, magnifying lenses, optical lenses; portable telephones and smartphones accessories, namely, batteries, covers, cases; accessories for electronic devices for the wireless transmission of data and/or voice signals, namely batteries; cases and covers for portable computers.

Applicant notes that it also requested that the goods be amended/limited in accordance with the goods included/covered by the foreign registration. As a verified statement of Applicant's bona-fide intention to use the mark in commerce was included in the application as filed with respect to the goods covered by the new Section 44(e) basis, Applicant submits that it has complied with T.M.E.P. § 806.03(h), 37 C.F.R. § 2.34.

Finally, pursuant to T.M.E.P. §§ 807.13, 807.14 and 1505.02(c), Applicant requests that the mark be amended to conform to the mark in the foreign registration. Applicant submits that this amendment is not a material alternation of the mark.

Accordingly, Applicant respectfully requests that the Commissioner grant its petition and withdraw Applicant's application from publication, cancel the Notice of Allowance and the Section 1(b) basis, and restore jurisdiction to the Examining Attorney for consideration of the proposed amendment of the statutory basis for registration from Section 1(b) to Section 44(e).

Applicant submits herewith its credit card information for the \$100 fee. Please charge Deposit Account No. 11-1410 for any additional fees that may be required, or credit any overpayment to this account.