

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JOHN PRICE

Plaintiff,

vs.

CIVIL ACTION: 6:23-cv-845

**MOODY INDEPENDENT SCHOOL
DISTRICT, MOODY ATHLETIC
BOOSTER CLUB, ANDREW MILLER
and BRANDY HIPHER COX**

Defendants

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff, John Price, by and through his undersigned attorneys, respectfully alleges as follows for his complaint against Defendants.

PARTIES

1. Plaintiff John Price (“Plaintiff” or “Price”) is an individual residing in Moody, Texas.
2. Defendant Moody Independent School District (“Defendant” or “MISD”) is a political subdivision of the state of Texas with supervisory authority over several public schools, including Moody High School. MISD may be served with process through Superintendent Andrew Miller at 12084A South Lone Star Parkway, Moody, Texas 76557.
3. Defendant Moody Athletic Booster Club (“MABC”) is a Texas unincorporated association with its principle place of business in Moody, Texas. MABC may be served through its President, Brandy Hipsher Cox at 18685 Owl Creek Road, Gatesville, Texas 76528.

4. Defendant Andrew Miller (“Defendant” or “Miller”) is and was at all times relevant hereto an individual living and/or working in Moody, Texas. At the time of the incidents giving rise to Plaintiff’s causes of action, Miller was the Superintendent of MISD. Defendant Andrew Miller is being sued in his individual capacity, and in his official capacity as an MISD employee. Defendant Miller may be served with process at the offices of MISD at 12084A South Lone Star Parkway, Moody, Texas 76557.

5. Defendant Brandy Hipsher Cox (“Defendant” or “Cox”) is and was at all times relevant hereto an individual living and/or working in Gatesville, Texas. At the time of the incidents giving rise to Plaintiff’s causes of action, Cox was the President of the MABC. Defendant Cox is being sued in her individual capacity, and in her official capacity as an MABC representative. Defendant Cox may be served with process at 18685 Owl Creek Road, Gatesville, Texas 76528.

NATURE OF THE CLAIM

6. This is an action for copyright infringement and violations of the Digital Millennium Copyright Act (“DMCA”) arising in connection with the unauthorized commercial exploitation and attempted federal trademark registration of Plaintiff’s federally registered original artwork and logo.

JURISDICTION AND VENUE

7. This action arises under 17 U.S.C. §§ 101 *et seq.* (the U.S. Copyright Act). The Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 (federal question) and § 1338(a) (copyrights).

8. This Court has personal jurisdiction over the Defendants, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that a substantial part of the acts

of infringement complained of herein occurred in this District, a substantial part of property that is the subject of the action is situated in this District, and because the Defendants may be found in this District.

CONDITIONS PRECEDENT

9. All conditions precedent have been performed or have occurred.

BACKGROUND FACTS

10. Plaintiff John Price is a graphic artist and the proprietor of Stampede Screen Graphics in Moody, Texas. In April 2009, Price created an original graphic design which he then printed on T-shirts for his two sons, both of whom attended schools within the Moody Independent School District. The design featured an animal claw tearing at the upper corner of the letter M (hereinafter, the “MCLAW DESIGN”), as illustrated below.



11. Price is and always has been the sole author and creator of each and every element of the MCLAW DESIGN, which he conceived as a “logo” that could be used and licensed throughout the country to schools with “clawed” mascots, including the Moody Bearcats.¹

¹ Counsel for MISD has alleged that Price used MISD’s design of the letter “M” for his MCLAW DESIGN, but that is incorrect. The “M” that was designed by Price was his original work of

12. Price first became aware of the Defendants' unauthorized use of his MCLAW DESIGN in October 2011, when he spotted hoodies bearing the image during a football game. Price immediately protested the counterfeit hoodies, which upon information and belief were manufactured by a third-party screen printer directly commissioned by MABC. Following Price's complaints, it is believed that MABC made no further uses of the MCLAW DESIGN for the following 3 years.

13. In October 2014, MABC again printed Price's MCLAW DESIGN on a hoodie, and again, Price protested the unauthorized use; however, this time MABC recklessly ignored Price's complaints. In fact, over the course of the following 8 years, MABC and the District would go on to make countless unauthorized uses of the MCLAW DESIGN, including dozens of counterfeit products sold on the MABC merchandise page; and prominent use of the design on the MISD Football field, water tower, flags and on the MISD website. Price protested all of these uses, but to no avail. Worse, MISD maliciously retaliated against Price's enforcement efforts by blackballing him—refusing to acknowledge him as author of the design, and insuring that his screenprinting business obtained no further business from MISD or MABC.

14. On August 17, 2022—believing that he would need to take formal action against MISD and MABC in order to finally make them stop—Price filed an application for registration of the MCLAW DESIGN with the United States Copyright Office—which ultimately issued certificate of registration number VA 2-319-465, a true and correct copy of which is attached hereto as **Exhibit A**.

authorship and was never-before used by MISD or MABC. Moreover, MISD has no exclusive rights in the ordinary letter "M."

15. Less than a week later—on August 23, 2022—in a brazen effort to strip Price of his ownership rights, MISD filed an application for registration of the MCLAW DESIGN with the U.S. Patent and Trademark Office. MISD’s application was executed by Defendant Miller, who—under penalty of perjury—fraudulently identified MISD as the “owner” of the MCLAW DESIGN. *See Exhibit B.*

16. In December 2022, Price retained counsel to make a formal demand on MISD to cease and desist its unauthorized use of the MCLAW DESIGN. In response, MISD retained counsel who purported to negotiate settlement while simultaneously assisting and facilitating MISD’s efforts to obtain trademark registration of the MCLAW DESIGN with the USPTO.²

17. Plaintiff John Price now brings this suit for copyright infringement.

COUNT 1: **COPYRIGHT INFRINGEMENT**

18. Plaintiff realleges and incorporates herein the foregoing paragraphs.

19. By their actions alleged above, Defendants have infringed Plaintiff’s federally registered copyrights. Specifically, by copying, distributing and/or displaying the MCLAW DESIGN without his consent, Defendants have infringed Plaintiff’s exclusive rights set forth in 17 U.S.C. § 106, and are liable therefor. In addition, and/or in the alternative, upon information and belief, Defendants Andrew Miller and Brandy Hipsher Cox are jointly and severally liable for any direct copyright infringement committed by MISD and MABC because they participated in the acts of infringement and/or because they were the dominant influences in those organizations and determined the policies that resulted in the infringement. *Broad. Music, Inc. v. Tex. Border Mgmt.*,

² *See* Response to Office Action, dated July 20, 2023, attached as **Exhibit C.**

11 F. Supp. 3d 689, 693 (N.D. Tex. 2014) (citing *Crabshaw Music v. K-Bob's of El Paso, Inc.*, 744 F. Supp. 763, 767 (W.D. Tex. 1990)).

20. The Defendants' actions constituted willful infringement of Plaintiff's copyrights inasmuch as they knew, or had reason to know, that their actions constituted copyright infringement; and/or because they acted with reckless disregard of Plaintiff's copyrights. For instance, Defendants were repeatedly warned that their unauthorized use of Plaintiff's work constituted copyright infringement, and nonetheless continued to use the work, and even attempted to register the work with the USPTO.

21. As a result of the foregoing, Plaintiff is entitled to actual damages plus profits of the Defendants; and/or statutory damages of up to \$150,000 per work infringed, plus attorney's fees and costs of court, for which Defendants are liable. 17 U.S.C. §§ 504, 505.

22. Plaintiff is further entitled to injunctive relief, prohibiting the Defendants from making any further unauthorized uses of his work. 17 U.S.C. § 502.

COUNT 2:
CONTRIBUTORY COPYRIGHT INFRINGEMENT

23. Plaintiff realleges and incorporates herein the foregoing paragraphs.

24. By their actions alleged above, Defendants have contributorily infringed Plaintiff's copyrights. Specifically, Defendants have induced, caused and/or materially contributed to infringing conduct by, *inter alia*, retaining one or more screen printers and manufacturers to create merchandise featuring the MCLAW DESIGN. In addition, and/or in the alternative, upon information and belief, Defendants Andrew Miller and Brandy Hipsher Cox are jointly and severally liable for any contributory copyright infringement committed by MISD and MABC because they participated in the acts of contributory infringement and/or because they were the dominant influences in those organizations and determined the policies that resulted in the

infringement. *Tex. Border Mgmt.*, 11 F. Supp. 3d at 693 (citing *Crabshaw Music*, 744 F. Supp. At 767).

25. The Defendants' actions constituted willful infringement of Plaintiff's copyrights inasmuch as they knew, or had reason to know, that their actions constituted copyright infringement; and/or because they acted with reckless disregard of Plaintiff's copyrights. For instance, Defendants were repeatedly warned that their unauthorized use of Plaintiff's work constituted copyright infringement, and nonetheless continued to use the work, and even attempted to register the work with the USPTO.

26. As a result of the foregoing, Plaintiff is entitled to actual damages, plus Defendants' profits; or statutory damages of up to \$150,000 per work infringed, plus attorney's fees and costs of court.

27. Plaintiff is further entitled to injunctive relief, prohibiting the Defendants from making any further unauthorized uses of his work. 17 U.S.C. § 502.

COUNT 3:
VICARIOUS INFRINGEMENT

28. Plaintiff realleges and incorporates herein the foregoing paragraphs.

29. In addition to, and/or in the alternative to direct infringement, Defendants MISD and MABC committed vicarious infringement because the MCLAW DESIGN was copied, manufactured and/or distributed by independent contractors working under their direct instructions, supervision and control and/or because Defendants had the right and ability to supervise the infringing activities of the independent contractors that copied, manufactured and/or distributed the MCLAW DESIGN and had a direct financial interest in those infringing activities, including revenues from the sale of the counterfeit items, and the saved costs of licensing fees (had the works been properly licensed from Plaintiff). *See, e.g., Playboy Enters., Inc. v. Webbworld*

Inc., 991 F. Supp. 543, 553 (N.D. Tex. 1997); *Oppenheimer v. Deiss*, No. A-19-CV-423-LY, 2019 U.S. Dist. LEXIS 208728, at *6 (W.D. Tex. Dec 3, 2019).

30. Defendants' actions constituted willful infringement of Plaintiff's copyrights inasmuch as they knew, or had reason to know, that Plaintiff's copyrights were being infringed; and/or because they acted with reckless disregard of Plaintiff's copyrights. For instance, Defendants were repeatedly warned that their unauthorized use of Plaintiff's work constituted copyright infringement, and nonetheless continued to use the work, and even attempted to register the work with the USPTO.

31. As a result of the foregoing, Plaintiff is entitled to actual damages plus profits of the Defendant; or statutory damages of up to \$150,000 per work infringed, plus attorney's fees and costs of court. 17 U.S.C. §§ 504, 505.

32. Plaintiff is further entitled to injunctive relief, prohibiting the Defendants from making any further unauthorized uses of his work. 17 U.S.C. § 502.

COUNT 4:
DMCA VIOLATION

33. Plaintiff realleges and incorporates herein the foregoing paragraphs.

34. Defendants MISD and Andrew Miller violated Section 1202 of the Digital Millennium Copyright Act ("DMCA") by providing false copyright management information ("CMI") in connection with the work when they attempted to register the same with the USPTO. Courts recognize that the falsification of CMI is a serious violation of copyright because it deprives the copyright owner of professional recognition and makes it easier for other potential infringers to compound that injury. *See Reilly v. Plot Commerce*, No. 15-CV-05118 (PAE) (BCM), 2016 U.S. Dist. LEXIS 152154, at *21-22 (S.D.N.Y. Oct. 31, 2016 quoting Russell W. Jacobs, *Copyright Fraud in the Internet Age*, 13 Colum. Sci.& Tech. L. Rev. 97, 147 (Feb. 15, 2012)

(section 1202 of the DMCA protects a copyright owner's "rights of integrity and attribution," which in turn protect against "the widespread dispersion of inauthentic copies"). Upon information and belief, Defendants' actions were committed knowingly, and with the intent to induce, enable, facilitate and/or conceal infringement.

35. As a result of the foregoing, Plaintiff is entitled to actual damages plus the profits of the Defendants; or in the alternative, statutory damages for each violation in an amount no less than \$2,500 and no more than \$25,000, plus costs and attorney's fees. 17 U.S.C. § 1203(b)(4), (5) & (c).

JURY DEMAND

36. Plaintiff asserts his rights under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.


PRAYER

Plaintiff prays for:

- A. An order that Defendants and all persons under their direction, control, permission or authority be enjoined and permanently restrained from exploiting the MCLAW DESIGN;
- B. An award of actual damages and/or statutory damages under 17 U.S.C. § 504(c) and 17 U.S.C. § 1203(c)(1)(A) & (B);
- C. An award to Plaintiff of his reasonable costs and attorney's fees under 17 U.S.C. §§ 505 and 17 U.S.C. § 1203(b)(4), (5) & (c);
- D. Prejudgment and post-judgment interest on any damage award as permitted by law; and
- E. Such other and further relief as the Court may deem just, proper and/or necessary under the circumstances.

Respectfully submitted,

AMINI & CONANT, LLP
1204 San Antonio Street, Second Floor
Austin, Texas 78701
t: (512) 222-6883
f: (512) 900-7967
service@aminiconant.com

By: 

R. Buck McKinney
Texas Bar No. 00784572
buck@aminiconant.com
Counsel for Plaintiff

EXHIBIT A

Additional Certificate (17 U.S.C. 706)

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

United States Register of Copyrights and Director

Registration Number

VA 2-319-465

Effective Date of Registration:

August 17, 2022

Registration Decision Date:

September 21, 2022

Title

Title of Work: MCLAW

Completion/Publication

Year of Completion: 2009
 Date of 1st Publication: April 01, 2009
 Nation of 1st Publication: United States

Author

• Author: JOHN McCLURE PRICE
 Author Created: 2-D artwork, technical drawing
 Work made for hire: No
 Citizen of: United States
 Domiciled in: United States
 Year Born: 1970

Copyright Claimant

Copyright Claimant: JOHN McCLURE PRICE
 1822 ave D, Moody, TX, 76557, United States

Rights and Permissions

Organization Name: STAMPEDE SCREEN GRAPHICS.COM
 Name: JOHN McCLURE PRICE
 Email: john@stampedescreengraphics.com
 Telephone: (254)624-7898
 Alt. Telephone: (254)624-7898
 Address: 1822 ave D
 1822 ave D

EXHIBIT B

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register**TEAS Plus Application****Serial Number: 97560717****Filing Date: 08/23/2022**

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	M
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 800
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Moody Independent School District
*MAILING ADDRESS	12084A S. Lone Star PKWY
*CITY	Moody
*STATE (Required for U.S. applicants)	Texas
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	76557
PHONE	254-853-2172
*EMAIL ADDRESS	XXXX
WEBSITE ADDRESS	www.moodyisd.org

LEGAL ENTITY INFORMATION	
*TYPE	Texas Public School District
* STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Texas
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0007.JPG
SPECIMEN DESCRIPTION	Various forms of apparel with district branding mark.
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
* INTERNATIONAL CLASS	041
*IDENTIFICATION	Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0008.JPG
SPECIMEN DESCRIPTION	Business card for the Superintendent. Also, website information is given, which is consistently branded with the mark.
WEBPAGE URL	www.moodyisd.org
WEBPAGE DATE OF ACCESS	08/23/2022
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION	

(if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
NAME	Moody Independent School District
DOCKET/REFERENCE NUMBER	0001
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	andrew_miller@moodyisd.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	sherri_vann@moodyisd.org
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2
APPLICATION FOR REGISTRATION PER CLASS	250
* TOTAL FEES DUE	500
* TOTAL FEES PAID	500
SIGNATURE INFORMATION	
* SIGNATURE	/andrew miller/
* SIGNATORY'S NAME	Andrew Miller
* SIGNATORY'S POSITION	Superintendent
SIGNATORY'S PHONE NUMBER	254-853-2172
* DATE SIGNED	08/23/2022
SIGNATURE METHOD	Signed directly within the form

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97560717

Filing Date: 08/23/2022

To the Commissioner for Trademarks:

MARK: M (stylized and/or with design, see [mark](#))

The literal element of the mark consists of M. The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark. The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.

The applicant, Moody Independent School District, a Texas Public School District legally organized under the laws of Texas, having an address of

12084A S. Lone Star PKWY
Moody, Texas 76557
United States
254-853-2172(phone)
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/01/2022, and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Various forms of apparel with district branding mark..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 041: Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/01/2022, and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed

goods/services, consisting of a(n) Business card for the Superintendent. Also, website information is given, which is consistently branded with the mark..

[Specimen File1](#)

Webpage URL: www.moodyisd.org

Webpage Date of Access: 08/23/2022

For informational purposes only, applicant's website address is: www.moodyisd.org

The applicant's current Correspondence Information:

Moody Independent School District

PRIMARY EMAIL FOR CORRESPONDENCE: andrew_miller@moodyisd.org

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): sherri_vann@moodyisd.org

The docket/reference number is 0001.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$500 has been submitted with the application, representing payment for 2 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /andrew miller/ Date: 08/23/2022

Signatory's Name: Andrew Miller

Signatory's Position: Superintendent

Signatory's Phone Number: 254-853-2172

Signature method: Signed directly within the form

Payment Sale Number: 97560717

Payment Accounting Date: 08/23/2022

Serial Number: 97560717

Internet Transmission Date: Tue Aug 23 15:25:05 ET 2022

TEAS Stamp: USPTO/FTK-XX.XX.XX.XX-202208231525067963

92-97560717-820ba2177c82e29d7fcb389e1e9f

7263346617222484baaa5f76377ce7fb3-CC-250

50857-20220823145432446360













Moody Independent School District

Andrew Miller
Moody ISD Superintendent



OFFICE: 254-853-2172

andrew_miller@moodyisd.org

EXHIBIT C

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97560717
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/97560717/large
LITERAL ELEMENT	M
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.
COLOR(S) CLAIMED (If applicable)	The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark.
GOODS AND/OR SERVICES SECTION (025) (current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
GOODS AND/OR SERVICES SECTION (025) (proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel; Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms	
FINAL DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/31/2015
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
GOODS AND/OR SERVICES SECTION (041) (current)	
INTERNATIONAL CLASS	041

DESCRIPTION	
Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
GOODS AND/OR SERVICES SECTION (041) (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/31/2015
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	"The M mark was first used anywhere in a different form other than that sought to be registered at least as early as 1889."
ATTORNEY INFORMATION (new)	
NAME	Omowunmi Soyinka
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Baker Botts
STREET	2001 Ross Avenue, Suite 900
CITY	Dallas
STATE	Texas
POSTAL CODE	75201
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	daltmdept@bakerbotts.com
OTHER APPOINTED ATTORNEY	Paul Reilly, Tyler Beas, Caroline Duncan
CORRESPONDENCE INFORMATION (current)	
NAME	MOODY INDEPENDENT SCHOOL DISTRICT
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	andrew_miller@moodyisd.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	sherri_vann@moodyisd.org
DOCKET/REFERENCE NUMBER	0001
CORRESPONDENCE INFORMATION (proposed)	
NAME	Omowunmi Soyinka
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	daltmdept@bakerbotts.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	lucy.soyinka@bakerbotts.com; paul.reilly@bakerbotts.com; kathryn.hoo@bakerbotts.com
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Andrew Miller/
SIGNATORY'S NAME	Andrew Miller
SIGNATORY'S POSITION	Superintendent
SIGNATORY'S PHONE NUMBER	2548532172
DATE SIGNED	07/20/2023
SIGNATURE METHOD	Sent to third party for signature
RESPONSE SIGNATURE	/Omowunmi Soyinka/
SIGNATORY'S NAME	Omowunmi Soyinka
SIGNATORY'S POSITION	Associate Attorney, Baker Botts, Texas Bar member
DATE SIGNED	07/20/2023
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 20 15:07:50 ET 2023
TEAS STAMP	USPTO/ROA-XX.XX.XX.XXX-20 230720150750698788-975607 17-8508249a45472dc2b2d2e0 a3bacc6ada6a615c56a83a30 5469de5a3cc61a1722-N/A-N/ A-20230718140216412056

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **97560717** M (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/97560717/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

Current:

Class 025 for Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2022 and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel;~~ Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Class 025 for Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/31/2015 and first used in commerce at least as early as 01/31/2015 , and is now in use in such commerce.

Webpage URL: None Provided

Webpage Date of Access: None Provided

Applicant proposes to amend the following:

Current:

Class 041 for Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2022 and first used in commerce at least as early as 01/01/2022 , and is now in use in such commerce.

Proposed:

Class 041 for Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/31/2015 and first used in commerce at least as early as 01/31/2015 , and is now in use in such commerce.

Webpage URL: None Provided

Webpage Date of Access: None Provided

ADDITIONAL STATEMENTS

Miscellaneous Statement

"The M mark was first used anywhere in a different form other than that sought to be registered at least as early as 1889."

The owner's/holder's proposed attorney information: Omowunmi Soyinka. Other appointed attorneys are Paul Reilly, Tyler Beas, Caroline Duncan. Omowunmi Soyinka of Baker Botts, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

2001 Ross Avenue, Suite 900

Dallas, Texas 75201

United States

is appointed to submit this Response to Office Action Form on behalf of the applicant.

The email address is daltmdept@bakerbotts.com

Omowunmi Soyinka submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information (current)

MOODY INDEPENDENT SCHOOL DISTRICT

PRIMARY EMAIL FOR CORRESPONDENCE: andrew_miller@moodyisd.org

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): sherri_vann@moodyisd.org

The docket/reference number is 0001.

Correspondence Information (proposed)

Omowunmi Soyinka

PRIMARY EMAIL FOR CORRESPONDENCE: daltmdept@bakerbotts.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): lucy.soyinka@bakerbotts.com; paul.reilly@bakerbotts.com; kathryn.hoo@bakerbotts.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Andrew Miller/ Date: 07/20/2023

Signatory's Name: Andrew Miller

Signatory's Position: Superintendent

Signatory's Phone Number: 2548532172

Signature method: Sent to third party for signature

Response Signature

Signature: /Omowunmi Soyinka/ Date: 07/20/2023

Signatory's Name: Omowunmi Soyinka

Signatory's Position: Associate Attorney, Baker Botts, Texas Bar member

Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated

with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: MOODY INDEPENDENT SCHOOL DISTRICT

12084A S. LONE STAR PKWY

MOODY, Texas 76557

Mailing Address: Omowunmi Soyinka

Baker Botts

2001 Ross Avenue, Suite 900

Dallas, Texas 75201

Serial Number: 97560717

Internet Transmission Date: Thu Jul 20 15:07:50 ET 2023

TEAS Stamp: USPTO/ROA-XX.XX.XX.XXX-20230720150750698

788-97560717-8508249a45472dc2b2d2e0a3bac

ca6ada6a615c56a83a305469de5a3cc61a1722-N

/A-N/A-20230718140216412056

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

John Price

(b) County of Residence of First Listed Plaintiff McLennan
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Amini & Conant LLP 1204 San Antonio, Street Second
Floor, Austin, Texas 78701 512-222-6883

DEFENDANTS

Moody Independent School District, Moody Athletic Booster Club, Andrew Miller and Brandy Hipsher Cox

County of Residence of First Listed Defendant McLennan
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. §§ 101
Brief description of cause:
Copyright Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/10/2023

SIGNATURE OF ATTORNEY OF RECORD

/S/ Buck McKinney

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT A

Additional Certificate (17 U.S.C. 706)

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number

VA 2-319-465

Effective Date of Registration:

August 17, 2022

Registration Decision Date:

September 21, 2022

Title

Title of Work: MCLAW

Completion/Publication

Year of Completion: 2009
Date of 1st Publication: April 01, 2009
Nation of 1st Publication: United States

Author

• Author: JOHN McCLURE PRICE
Author Created: 2-D artwork, technical drawing
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1970

Copyright Claimant

Copyright Claimant: JOHN McCLURE PRICE
1822 ave D, Moody, TX, 76557, United States

Rights and Permissions

Organization Name: STAMPEDE SCREEN GRAPHICS.COM
Name: JOHN McCLURE PRICE
Email: john@stampedescreengraphics.com
Telephone: (254)624-7898
Alt. Telephone: (254)624-7898
Address: 1822 ave D
1822 ave D

EXHIBIT B

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register**TEAS Plus Application****Serial Number: 97560717****Filing Date: 08/23/2022**

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	M
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 800
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Moody Independent School District
*MAILING ADDRESS	12084A S. Lone Star PKWY
*CITY	Moody
*STATE (Required for U.S. applicants)	Texas
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	76557
PHONE	254-853-2172
*EMAIL ADDRESS	XXXX
WEBSITE ADDRESS	www.moodyisd.org

LEGAL ENTITY INFORMATION	
*TYPE	Texas Public School District
* STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Texas
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0007.JPG
SPECIMEN DESCRIPTION	Various forms of apparel with district branding mark.
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
* INTERNATIONAL CLASS	041
*IDENTIFICATION	Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\975\607\97560717\xml1 \ FTK0008.JPG
SPECIMEN DESCRIPTION	Business card for the Superintendent. Also, website information is given, which is consistently branded with the mark.
WEBPAGE URL	www.moodyisd.org
WEBPAGE DATE OF ACCESS	08/23/2022
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION	

(if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
NAME	Moody Independent School District
DOCKET/REFERENCE NUMBER	0001
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	andrew_miller@moodyisd.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	sherri_vann@moodyisd.org
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2
APPLICATION FOR REGISTRATION PER CLASS	250
* TOTAL FEES DUE	500
* TOTAL FEES PAID	500
SIGNATURE INFORMATION	
* SIGNATURE	/andrew miller/
* SIGNATORY'S NAME	Andrew Miller
* SIGNATORY'S POSITION	Superintendent
SIGNATORY'S PHONE NUMBER	254-853-2172
* DATE SIGNED	08/23/2022
SIGNATURE METHOD	Signed directly within the form

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97560717

Filing Date: 08/23/2022

To the Commissioner for Trademarks:

MARK: M (stylized and/or with design, see [mark](#))

The literal element of the mark consists of M. The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark. The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.

The applicant, Moody Independent School District, a Texas Public School District legally organized under the laws of Texas, having an address of

12084A S. Lone Star PKWY
Moody, Texas 76557
United States
254-853-2172(phone)
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/01/2022, and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Various forms of apparel with district branding mark..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 041: Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/01/2022, and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed

goods/services, consisting of a(n) Business card for the Superintendent. Also, website information is given, which is consistently branded with the mark..

[Specimen File1](#)

Webpage URL: www.moodyisd.org

Webpage Date of Access: 08/23/2022

For informational purposes only, applicant's website address is: www.moodyisd.org

The applicant's current Correspondence Information:

Moody Independent School District

PRIMARY EMAIL FOR CORRESPONDENCE: andrew_miller@moodyisd.org

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): sherri_vann@moodyisd.org

The docket/reference number is 0001.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$500 has been submitted with the application, representing payment for 2 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /andrew miller/ Date: 08/23/2022

Signatory's Name: Andrew Miller

Signatory's Position: Superintendent

Signatory's Phone Number: 254-853-2172

Signature method: Signed directly within the form

Payment Sale Number: 97560717

Payment Accounting Date: 08/23/2022

Serial Number: 97560717

Internet Transmission Date: Tue Aug 23 15:25:05 ET 2022

TEAS Stamp: USPTO/FTK-XX.XX.XX.XX-202208231525067963

92-97560717-820ba2177c82e29d7fcb389e1e9f

7263346617222484baaa5f76377ce7fb3-CC-250

50857-20220823145432446360













Moody Independent School District

Andrew Miller
Moody ISD Superintendent



OFFICE: 254-853-2172

andrew_miller@moodyisd.org

EXHIBIT C

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97560717
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/97560717/large
LITERAL ELEMENT	M
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a block M with a claw slashing the top left of the M. The M is yellow, bordered by green and black. The claw is two shades of green with white claws, bordered in black. The slashes on the M are gray, bordered in black.
COLOR(S) CLAIMED (If applicable)	The color(s) green, yellow, black, white, and gray is/are claimed as a feature of the mark.
GOODS AND/OR SERVICES SECTION (025) (current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
GOODS AND/OR SERVICES SECTION (025) (proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel; Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms	
FINAL DESCRIPTION	
Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/31/2015
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
GOODS AND/OR SERVICES SECTION (041) (current)	
INTERNATIONAL CLASS	041

DESCRIPTION	
Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2022
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2022
GOODS AND/OR SERVICES SECTION (041) (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/31/2015
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	"The M mark was first used anywhere in a different form other than that sought to be registered at least as early as 1889."
ATTORNEY INFORMATION (new)	
NAME	Omowunmi Soyinka
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Baker Botts
STREET	2001 Ross Avenue, Suite 900
CITY	Dallas
STATE	Texas
POSTAL CODE	75201
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	daltmdept@bakerbotts.com
OTHER APPOINTED ATTORNEY	Paul Reilly, Tyler Beas, Caroline Duncan
CORRESPONDENCE INFORMATION (current)	
NAME	MOODY INDEPENDENT SCHOOL DISTRICT
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	andrew_miller@moodyisd.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	sherri_vann@moodyisd.org
DOCKET/REFERENCE NUMBER	0001
CORRESPONDENCE INFORMATION (proposed)	
NAME	Omowunmi Soyinka
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	daltmdept@bakerbotts.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	lucy.soyinka@bakerbotts.com; paul.reilly@bakerbotts.com; kathryn.hoo@bakerbotts.com
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Andrew Miller/
SIGNATORY'S NAME	Andrew Miller
SIGNATORY'S POSITION	Superintendent
SIGNATORY'S PHONE NUMBER	2548532172
DATE SIGNED	07/20/2023
SIGNATURE METHOD	Sent to third party for signature
RESPONSE SIGNATURE	/Omowunmi Soyinka/
SIGNATORY'S NAME	Omowunmi Soyinka
SIGNATORY'S POSITION	Associate Attorney, Baker Botts, Texas Bar member
DATE SIGNED	07/20/2023
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 20 15:07:50 ET 2023
TEAS STAMP	USPTO/ROA-XX.XX.XX.XXX-20 230720150750698788-975607 17-8508249a45472dc2b2d2e0 a3bacc6ada6a615c56a83a30 5469de5a3cc61a1722-N/A-N/ A-20230718140216412056

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **97560717** M (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/97560717/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

Current:

Class 025 for Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2022 and first used in commerce at least as early as 01/01/2022, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Clothing, namely, t-shirts, sweatshirts, hats, polos and athletic apparel;~~ Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Class 025 for Clothing, namely, t-shirts, sweatshirts, hats, polo shirts and athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/31/2015 and first used in commerce at least as early as 01/31/2015 , and is now in use in such commerce.

Webpage URL: None Provided

Webpage Date of Access: None Provided

Applicant proposes to amend the following:

Current:

Class 041 for Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2022 and first used in commerce at least as early as 01/01/2022 , and is now in use in such commerce.

Proposed:

Class 041 for Education services, namely, providing pre-kindergarten through 12th grade (pre-K-12) classroom instruction

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/31/2015 and first used in commerce at least as early as 01/31/2015 , and is now in use in such commerce.

Webpage URL: None Provided

Webpage Date of Access: None Provided

ADDITIONAL STATEMENTS

Miscellaneous Statement

"The M mark was first used anywhere in a different form other than that sought to be registered at least as early as 1889."

The owner's/holder's proposed attorney information: Omowunmi Soyinka. Other appointed attorneys are Paul Reilly, Tyler Beas, Caroline Duncan. Omowunmi Soyinka of Baker Botts, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

2001 Ross Avenue, Suite 900
Dallas, Texas 75201
United States

is appointed to submit this Response to Office Action Form on behalf of the applicant.

The email address is daltmdept@bakerbotts.com

Omowunmi Soyinka submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information (current)

MOODY INDEPENDENT SCHOOL DISTRICT

PRIMARY EMAIL FOR CORRESPONDENCE: andrew_miller@moodyisd.org

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): sherri_vann@moodyisd.org

The docket/reference number is 0001.

Correspondence Information (proposed)

Omowunmi Soyinka

PRIMARY EMAIL FOR CORRESPONDENCE: daltmdept@bakerbotts.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): lucy.soyinka@bakerbotts.com; paul.reilly@bakerbotts.com; kathryn.hoo@bakerbotts.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Andrew Miller/ Date: 07/20/2023

Signatory's Name: Andrew Miller

Signatory's Position: Superintendent

Signatory's Phone Number: 2548532172

Signature method: Sent to third party for signature

Response Signature

Signature: /Omowunmi Soyinka/ Date: 07/20/2023

Signatory's Name: Omowunmi Soyinka

Signatory's Position: Associate Attorney, Baker Botts, Texas Bar member

Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated

with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: MOODY INDEPENDENT SCHOOL DISTRICT

12084A S. LONE STAR PKWY

MOODY, Texas 76557

Mailing Address: Omowunmi Soyinka

Baker Botts

2001 Ross Avenue, Suite 900

Dallas, Texas 75201

Serial Number: 97560717

Internet Transmission Date: Thu Jul 20 15:07:50 ET 2023

TEAS Stamp: USPTO/ROA-XX.XX.XX.XXX-20230720150750698

788-97560717-8508249a45472dc2b2d2e0a3bac

ca6ada6a615c56a83a305469de5a3cc61a1722-N

/A-N/A-20230718140216412056