

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

In re Application Serial No. : 75639673
For the Mark : WOODBURY VILLAGE
Filed : February 11, 1999
Published in the Official Gazette on : May 30, 2000

Woodbury Village Shopping Center
Limited Partnership

Opposer,

Opposition No. 119,479

v.

Stavan Center L.P.

Applicant.

BOX TTAB-- NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**AMENDED MOTION AND CONSENT TO AMEND APPLICATION TO
~~CONCURRENT REGISTRATION AND~~
STIPULATION TO TERMINATE OPPOSITION**

MOTION

Applicant moves pursuant to Trademark Rule 2.133, 37 C.F.R. § 2.133 to amend its application to one for concurrent registration with Opposer's application, Serial No. 76/121917, such application being the exception to Applicant's claim of exclusive use of its mark in its application, Serial No. 75/639673. The parties have settled this Opposition according to the terms and limitations set forth in the Concurrent Use Agreement which is attached as Exhibit A to the Declaration of Afshineh Latifi.

In an order dated March 25, 2002, the TTAB, through Trademark Attorney Albert Zervas, denied Applicant's previous motion in this regard, finding the motion to lack specificity as to the area Applicant seeks registration. Accordingly, Applicant moves to amend its application as follows, and submits that such amendment complies with Section 2(d) of the Lanham Act and 37 C.F.R. § 2.42 such that concurrent use should be allowed:

Geographic Area of Applicant's Use:

New York, New Jersey, Connecticut, Delaware, District of Columbia, Maryland, New Hampshire, Vermont, Massachusetts, Rhode Island, Maine, Pennsylvania, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma and Texas.

Applicant states that it is aware of the following concurrent user of the above mark:

Woodbury Village Shopping Center, Limited Partnership
Application Serial No.:76/121917

Geographic Area of Concurrent User's Use:

Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Missouri, Iowa, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Arizona, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Washington, Oregon, California, Alaska and Hawaii.

The period of time in which Concurrent User has used its mark: July 1991.

Applicant states that this amendment is supported by the Declaration of Afschineh Latifi which is attached, and requests that the foregoing amendment be granted and its application for concurrent use be allowed and passed to publication.

CONSENT

Opposer hereby consents to Applicant's motion to amend its application to one for concurrent registration.

STIPULATION

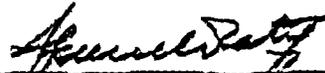
Based upon the foregoing motion and consent, the parties to this Opposition hereby stipulate to termination of these proceedings in favor of a concurrent use proceeding and request that this Opposition be dismissed without prejudice.

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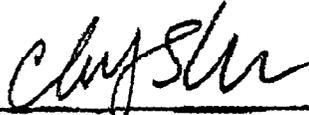
SO MOVED AND STIPULATED:



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Attorney for Applicant
Stavan Center L.P.

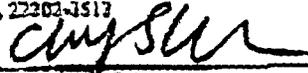
SO STIPULATED:



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Attorney for Opposer
Woodbury Village Shopping
Center Limited Partnership

"Express Mail" mailing label number EL624382212US
 Date of Deposit: April 16, 2002
 (I hereby certify that this paper and fee is being deposited with the United States Postal Service "Express Mail Post Office Address" service on the date indicated above and is addressed to Box TTAB-- NO PSE, Assistant Commissioner for Trademarks, 2800 Crystal Drive, Arlington, VA 22202-1517)



 Christopher J. Schulte

Date of Signature: April 16, 2002