

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Mailed: June 27, 2002

Opposition No. 119,479

Woodbury Village Shopping
Center Limited
Partnership

v.

Stavan Center L.P.

Concurrent Use No. 1,229

Woodbury Village Shopping
Center Limited
Partnership

v.

Stavan Center L.P.

Albert Zervas, Interlocutory Attorney

On March 25, 2002, the Board allowed applicant time in which to file a proper amendment to amend its application Serial No. 75/639,673 to one for concurrent registration.

On June 17, 2002, applicant filed via facsimile (at the request of the Board)¹ an "Amended Motion and Consent to

¹ On April 16, 2002, opposer filed a declaration of Afschineh Latifi, who is identified as applicant's attorney, and a cover letter. The cover letter references an Amended Motion and Consent to Amend Application to Concurrent Registration and Stipulation to Terminate Opposition, but the Board did not receive the Amended Motion and Consent.

Opposition No. 119,479 and Concurrent Use No. 1,229

Amend Application to Concurrent Registration and Stipulation to Terminate Opposition." By the Amended Motion, applicant seeks to amend its application Serial No. 75/639,673 (which is the subject of Opposition No. 119,479) to a concurrent use application, naming opposer's application Serial No. 76/121,917 as an exception to applicant's exclusive right to use. Because opposer has consented to the proposed amendment, applicant's motion is hereby granted, and applicant's proposed amendment to amend application Serial No. 75/639,673 to a concurrent use application is hereby approved and entered. See Trademark Rule 2.133(a). Further, pursuant to the stipulation to terminate the opposition, the opposition is hereby dismissed without prejudice. See TBMP §1112.

A concurrent use proceeding, namely Concurrent Use No. 1,229, is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

This concurrent use proceeding involves the following:

Name of applicant	Stavan Center L.P.
Application Serial No.	75/639,673
Mark	WOODBURY VILLAGE (and Design)
Services	Shopping Center Services
Filing date	February 11, 1999
Territory of use	The states of New York, New Jersey, Connecticut, Delaware, District of Columbia, Maryland, New Hampshire, Vermont, Massachusetts, Rhode

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Island, Maine, Pennsylvania, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma and Texas

Attorney

Afschineh Latifi, Esq.
Tucker & Latifi, LLP
160 East 84th Street
Suite 5-E
New York, NY 10028

User

Woodbury Village Shopping Center
Limited Partnership

Mark

WOODBURY VILLAGE (Stylized)

Services

leasing shopping space to retail shopping facilities, leasing office space to commercial business offices and leasing restaurant space to restaurants

Territory of 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

User Address

Woodbury Village Shopping Center
Limited Partnership
2850 Metro Drive, Suite 503
Bloomington, MN 55425

Attorney

Christopher Schulte
Meagher & Greer, PLLP
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, MN 55402

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User is the owner of record of application Serial No. 76/121,917,² which has not yet been received by the Board. Proceedings herein are now suspended pending receipt by the Board of user's application Serial No. 76/121,917. See Trademark Rule 2.99(c).

When proceedings herein are resumed, and if it is otherwise appropriate at that time, user's application Serial No. 76/121,917 will be added to this proceeding; the title of this proceeding will be reversed pursuant to Trademark Rule 2.99(e); and the parties will be allowed sufficient time in which to file answers pursuant to Trademark Rule 2.99(d).

The only exception to the suspension of this proceeding is the continuing obligation of the parties to advise the Board if there are any other users, pending federal applications or registrations which should be included in this proceeding.

² Application Serial No. 76/121,917 was filed on September 5, 2000 and claims first use and first use in commerce in July, 1991.