UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

WINTER

Mailed: August 8, 2007

Opposition No. 91168845

Panthers Football LLC

v.

Reach Event Marketing, LLC

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On January 30, 2007, applicant filed a proposed amendment[1] to the identification of goods in its application Serial No. 78522183 in accordance with settlement. By the proposed amendment, applicant seeks to change the identification of goods **from** "towels" **to** "towels **for use in promotions of charitable organizations**."[2]

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[1] A proposed amendment to an application involved in an *inter partes* proceeding must be filed with the Board. This is so because the Board has jurisdiction over the application involved in an opposition proceeding. Thus, a proposed amendment is not to be filed with or considered by the Trademark Examining Operation and the law offices therein. *See* Trademark Rule 2.133(a), 37 C.F.R. §2.133(a); and TBMP §514 (2d ed. rev. 2004). Accordingly, the stipulated motion to remand to the Examining Attorney is **denied**.

[2] The wording in bold is added.

Inasmuch as the proposed amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), 37 C.F.R. §2.71(b), and because opposer consents thereto, it is approved and entered. *See* Trademark Rule 2.133(a), 37 C.F.R. §2.133(a).

If this resolves the dispute herein, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the opposition, and applicant is allowed until **THIRTY DAYS** from the mailing date of this order in which to file its withdrawal of the counterclaim, failing which the opposition will go forward on the application as amended, including the counterclaim.[3] *See* Trademark Rules 2.106(c) and 2.114(c), 37 C.F.R. §§ 2.106(c) and 2.114(c).

Proceedings are otherwise **SUSPENDED**.

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[3] The Board notes in passing that both an answer to the notice of opposition and an answer to the counterclaim are of record. Thus, if each party intends its respective withdrawal to be without prejudice, such withdrawal must be made with the **written consent** of the adverse party.