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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: June 23, 2014

Opposition No. 91187874
(parent case)

Opposition No. 91187875

Opposition No. 91187876

Opposition No. 91187877

Opposition No. 91191741

Cancellation No. 92051396

Panthers Football LLC, NFL
Properties LLC, PDB Sports, Ltd.,
Dallas Cowboys Football Club, Ltd.,
Atlanta Falcons Football Club, LLC,
Detroit Lions, Inc., Oakland Raiders,
Inc.

v.

Super Bakery, Incorporated

M. Catherine Faint,
Interlocutory Attorney:

On June 4, 2014, applicant/respondent filed a renewed proposed amendment to application Serial Nos. 77383064, 77382281, 77383001, 77383853, 77384233, and Registration No. 2917075, with all related opposer/petitioner's consents, and opposer/petitioner's withdrawals without

prejudice of the consolidated proceedings, contingent upon entry of the amendment.¹

By the proposed amendment applicant/respondent seeks to amend the identification of goods in International Class 32 as follows:

Application Nos. 77383064, 77382281, 77383001, 77383853

from

"Sports drinks"

to

"Sports drinks, the foregoing not for use in connection with the National Football League and/or its Member Clubs."

Application No. 77384233

from

"Sports drinks and performance drinks"

to

"Sports drinks and performance drinks, the foregoing not for use in connection with the National Football League and/or its Member Clubs."

Inasmuch as the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a), and because all related opposers have provided consent thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

¹ Applicant/respondent also included a consented amendment for application Serial Nos. 77383064 and 77574589. The applications are the subject of Opposition No. 91189181, which is not part of this consolidated proceeding. In view thereof, no consideration is given to those amendments in this order.

Furthermore, applicant/respondent also seeks to amend the identification of goods in **Registration No. 2917075** in International Class 32 as follows:

from

"Nutritionally fortified drink, namely protein recovery shake"

to

"Nutritionally fortified drink, namely protein recovery shake, the foregoing not for use in connection with the National Football League and/or its Member Clubs."

Inasmuch as the amendment is clearly limiting in nature, the amendment to the identification of goods would be deemed acceptable. *See* Trademark Rules 2.133(a), 37 C.F.R. §§ 2.133(a) and 2.173(b).

However, Trademark Rule 2.173(a), 37 C.F.R. § 2.173(a) requires that when the registration sought to be amended is involved in an *inter partes* proceeding before the Board, the motion to amend the registration must be signed by the registrant and verified or supported by a declaration under Trademark Rule 2.20, 37 C.F.R. § 2.20, and the appropriate fee must be paid.² Respondent's motion to amend the registration does not include the required verification or declaration, or the required fee.

Accordingly, consideration of applicant/respondent's motion to amend its registration is deferred. Applicant/respondent is allowed until **THIRTY DAYS** from the mailing date of this order to file the required verification or declaration

² *See* Trademark Rule 2.6(a) (11), which states: "For filing an amendment to a registration \$100.00."

Consolidated Opposition No. 91187874

and the filing fee, failing which the petition to cancel will go forward on the registration as issued and dates will be reset. *See* Trademark Rule 2.114(c).