

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

EJW/lg

Mailed: March 11, 2014

Opposition No. 91192911

The Basketball Marketing
Company, Inc.

v.

Joel Astman dba Truelements
Music

On January 13, 2014, applicant filed the parties' stipulation comprised of applicant's proposed amendment to its application Serial No. 77487655, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, applicant seeks to change the identification of services in International Class 41 **from:**

¹ The Board notes that applicant failed to provide proof of service of the consented amendment and stipulated withdrawal upon opposer's counsel as required by Trademark Rule 2.119, 37 C.F.R. 2.119. However, inasmuch as the motion and stipulated withdrawal was executed by opposer's counsel in accordance with settlement of this matter, and to expedite matters, a copy of applicant's submission will be forwarded to opposer's counsel along with this order. Strict compliance with the Trademark Rules is expected in future submissions to the Board.

"Entertainment services, namely, providing live disc jockey services for nightclubs, parties, and concerts; remixing of musical recordings and original music composition services for others,"

To:²

"Entertainment services, namely, providing live disc jockey services for nightclubs, parties, and concerts; remixing of musical recordings and original music composition services for others; **excluding any services relating to or involving basketball or other sports.**"

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

*By the Trademark Trial
and Appeal Board*

² The additional wording is shown in bold type font and is underlined.