UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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coggins

Mailed: June 6, 2014

Opposition Nos. 91197518 (parent)
91206079

Athletics Investment Group LLC d/b/a
The Oakland Athletics Baseball Company

v.

3P Learning Pty Limited

By the Trademark Trial and Appeal Board:

On May 23, 2014, opposer filed two stipulated amendments covering (consolidated) subject application Serial Nos. 77875559, 77875579, and 85411190 and contingent withdrawals without prejudice of the oppositions.[1] By the proposed amendments applicant states that it seeks to add the wording "all the foregoing not relating to baseball or softball or to identify a sports team, league, mascot or stadium" to the end of each recitation of services, so the resulting recitations would read as follows.

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[1] The individual filings fail to comply with the requirement that the parties no longer file separate papers in connection with each proceeding, and each paper bear the numbers of all consolidated proceedings in ascending order with the parent case designated in the caption. *See* Board order dated August 27, 2013. Instead, the motions deal with each consolidated proceeding separately. In addition, the filings fail to indicate proof of service of a copy of same upon applicant as required by Trademark Rule 2.119. In order to expedite this matter, applicant is directed to the following URLs where it may view a copy of the filings.
http://ttabvueint.uspto.gov/ttabvue/v?pno=91197518&pty=OPP&eno=29
http://ttabvueint.uspto.gov/ttabvue/v?pno=91197518&pty=OPP&eno=30

In Opposition No. 91197518

Application Serial No. 77875559:

Educational services, namely, providing online programs of instruction in the field of math for use as core math learning programs or supplemental math learning programs in schools and for home schooling; providing educational information and test questions in the academic field of mathematics via a world wide web website; educational services, namely, providing academic enrichment programs in the field of math; educational services, namely, conducting online math courses for educators and students, and distribution of training course materials in connection therewith; arranging of contests in the field of math; education and entertainment for children in the nature of an online international math competitions; providing recognition and incentives by the way of awards and contests to demonstrate excellence in the field of math; educational services, namely, providing online courses of instruction in the field of math for pre-kindergarten thru twelfth grade; all the foregoing not relating to baseball or softball or to identify a sports team, league, mascot or stadium;[2] and

Application Serial No. 77875579:

Entertainment and educational services in the nature of on-line real-time international math competitions where pre-kindergarten thru twelfth grade students can race against each other and against other children around the world in completing math problems; providing educational information and practice problems in the academic field of mathematics via a world wide website; all the foregoing not relating to baseball or softball or to identify a sports team, league, mascot or stadium.[3]

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[2] Although the motion does not specifically state that the services for application Serial No. 77875559 are also to be amended to delete the wording "material and" and to add an "s" to "material" (in "distribution of training ~~material and~~ course materials in connection therewith"), the Board will nonetheless effect the changes inasmuch as the stipulated recitation contains the changes and they are otherwise acceptable. The Board is displeased that the parties did not directly identify the additional changes, instead implying that the only change was the addition of wording to the end of each recitation.

[3] Although the motion does not specifically state that the services for application Serial No. 77875579 are also to be amended to delete the word "web" (in "via a world wide ~~web~~ website"), the Board will nonetheless effect the change inasmuch as the stipulated recitation contains the change and it is otherwise acceptable. Again, the Board is displeased with this hidden change.

In Opposition No. 91206079

Application Serial No. 85411190:

Educational services, namely, providing online programs of instruction in the field of math for use as core math learning programs or supplemental math learning programs in schools and for home schooling; providing educational information and test question in the academic field of mathematics via a world wide web website; educational services, namely, providing academic enrichment programs in the field of math; educational services, namely, conducting online math courses for educators and students, and distribution of training course materials in connection therewith; arranging of contests in the field of math; education and entertainment for children in the nature of an online international math competitions; providing recognition and incentives by the way of awards and contests to demonstrate excellence in the field of math; educational services, namely, providing online courses of instruction in the field of math for pre-kindergarten thru twelfth grade; all the foregoing not relating to baseball or softball or to identify a sports team, league, mascot or stadium.

Amendments Granted in Opposition No. 91197518

Inasmuch as the amendments to application Serial Nos. 77875559 and 77875579 are limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

Opposition No. 91197518 Dismissed

The contingency in opposer's withdrawal of parent Opposition No. 91197518 having now been met, parent Opposition No. 91197518 is dismissed without prejudice.[4]

[4] In view of the dismissal, the outstanding motion to suspend (filed May 15, 2014, in the parent case) is moot.

Amendment Denied in Opposition No. 91206079

Some of the hidden amendments to application Serial No. 85411190 are not acceptable. *See* Trademark Rule 2.71(a). Specifically, the wording "providing educational information and *test question* in the academic field of mathematics via a world wide web website" is outside the scope of the current services which include the provision of information and *practice problems*; and the wording "education and entertainment for children in the nature of an online international math competitions" is outside the scope of the current services where the current competitions are limited to *real-time* and to *where pre-kindergarten thru twelfth grade students can race against each other and against other children around the world in completing math problems*. In view thereof, the amendment to application Serial No. 85411190 will not be entered.[5]

Inasmuch as the amendment is not entered, the contingency in the withdrawal of Opposition No. 91206079 has not been met. In view thereof, Opposition No. 91206079 remains active. However, proceedings in Opposition No. 91206079 are suspended, and applicant is allowed until thirty days from the mailing date of this order in which to file a renewed (and acceptable) motion to amend; failing which, proceedings in Opposition No. 91206079 will be resumed and the opposition will continue on the unamended application. Since the former "parent" opposition has been dismissed, the

[5] The hidden changes in the wording "distribution of training ~~material and~~ course materials in connection therewith," although acceptable, will not be entered.

parties should now file all papers related to Opposition No. 91206079 in that case file.