

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

kk/MCF

Mailed: June 23, 2014

Opposition No. 91203732

Genesco Brands Inc.

v.

Dalton Taras Zerlan and Dennis Paul
Zerlan DBA The Only Questions

By the Trademark Trial and Appeal Board:

On April 24, 2014, applicant filed a proposed amendment to application Serial No. 85321192, with opposer's consent, and opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment applicant seeks to amend the identification of goods **from:** "Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baby layettes for clothing; Belts; Children's and infants' cloth bibs; Children's cloth eating bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons;

¹ It is noted that in fact, opposer filed applicant's amendment. Opposer's motion fails to indicate proof of service on applicant, as required by Trademark Rule 2.119. Applicant may view the filing here: <http://ttabvue.uspto.gov/ttabvue/v?pno=91203732&pty=OPP&eno=30>. Strict compliance with Trademark Rule 2.119 is required in all future filings. When a party files a document that is required to be served upon every other party to the proceeding, proof that required service has been made must be submitted before the Board will consider the filing.

Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, crops; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Coats for men and women; Collared shirts; Corsets; Dress shirts; Dusters; Eyeshades; Footwear for men and women; Footwear for women; Foulards; Gloves as clothing; Headbands for clothing; Hooded sweat shirts; Hooded sweatshirts for men, women, children; Hoods; Hunting shirts; Infant and toddler one piece clothing; Infant cloth diapers; Jackets; Jerseys; Knit shirts; Leather belts; Long-sleeved shirts; Men's and women's jackets, coats, trousers, vests; Men's socks; Men's suits; Men's suits, women's suits; Men's underwear; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear,

gussets for leotards and gussets for footlets; Parts of clothing, namely, underarm gussets; Party hats; Perspiration absorbent underwear clothing; Pocket squares; Polo shirts; Scientific and technological apparel, namely, shirts, pants, jackets, footwear, hats and caps, uniforms; Shirts; Shirts and short-sleeved shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shoulder wraps; Sport shirts; Suspender belts for men; Swaddling clothes; Sweat shirts; Sweatshirts for men, women, children; T-shirts; T-shirts for men, women, children, pets; Tee shirts; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses"

to: "Short-sleeved or long-sleeved t-shirts to be used in connection with the promotion of and fundraising for Applicant's apparel company, which is directed to engaging people and resources to address social and political issues through civic engagement and critical thinking."

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

The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice.