

ESTTA Tracking number: **ESTTA565615**

Filing date: **10/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205786
Party	Defendant Martin Anton Groder
Correspondence Address	DIANNE M SMITH MISEMER HOVEY WILLIAMS LLP 10801 MASTIN BLVD SUITE 1000, CORPORATE WOODS BUILDING 84 OVERLAND PARK, KS 66201 UNITED STATES dsmisemer@hoveywilliams.com
Submission	Motion to Amend Application
Filer's Name	Diane M. Smith-Misemer
Filer's e-mail	tmdocketing.misemer@hoveywilliams.com, jcrawford@hoveywilliams.com
Signature	/Diane M. Smith-Misemer/
Date	10/17/2013
Attachments	CONSENTED MOTION TO AMEND APPLICATION.pdf(69521 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application Serial No.: )  
 )  
79089902 for ROX and Design )  
 )  
Diageo North America, Inc., )  
 )  
and )  
 )  
Colorado Rockies Baseball Club, Ltd. )  
Opposers )  
 )  
v. ) Opposition Nos. 91205786 and 91205787  
 )  
Martin Anton Groder )  
 )  
Applicant. )

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**CONSENTED MOTION TO AMEND APPLICATION**

Applicant Martin Anton Groder, pursuant to TBMP §212.07 and 514, with the consent of opposers Diageo North America, Inc. and the Colorado Rockies Baseball Club, Ltd, moves to amend Application Serial No. 79089902 for the mark ROX as follows:

International Class 32 : (Deletion of Beers) mineral and aerated waters and other non-alcoholic drinks, namely, soft drinks and carbonated energy drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages, namely, soft drinks and carbonated energy drinks

International Class 33: Deleted in its entirety

Wherefore, the Parties request that the above-requested amendment with consent be allowed, and that the opposition proceeding be dismissed.



**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing to be served upon:

EVAN GOURVITZ  
DIAGEO NORTH AMERICA, INC.  
801 MAIN AVENUE  
NORWALK, CONNECTICUT 06851

LISA M WILLIS  
COWAN LIEBOWITZ & LATMAN PC  
1133 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036  
UNITED STATES

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 17<sup>th</sup> day of October, 2013.

/s/ Dianne M. Smith-Misemer  
Dianne M. Smith-Misemer