

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

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Mailed: November 7, 2013

Opposition No. 91205964
Cancellation No. 92055812

Central Park Conservancy,
Inc.

v.

Susoix LLC

Elizabeth A. Dunn, Attorney (571-272-4267):

On September 25, 2013, applicant/registrant Susoix LLC filed proposed amendments to its application Serial No. 85393670 and Registration No. 4022850, with the consent of Central Park Conservancy, Inc.

Any amendments to an opposed application or subject registration must be made with the consent of all plaintiffs. Trademark Rule 2.133(a); New Orleans Louisiana Saints LLC and NFL Properties LLC v. Who Dat?, Inc., 99 USPQ2d 1550, 1551 (TTAB 2011). Application Serial No. 85393670 and Registration No. 4022850 also are involved in another consolidated proceeding at the Board, namely Opposition No. 91205879 and Cancellation No. 92055800. The better practice would be to specify in the proposed

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amendment that all plaintiffs, including the plaintiffs in consolidated Opposition No. 91205879, provided consent to the proposed amendment. However, the Board notes that Susoix LLC filed the identical proposed amendment in this consolidated opposition and consolidated Opposition No. 91205879, with the consent of the different plaintiffs. Thus, while in separate documents, all plaintiffs, including the plaintiffs in consolidated Opposition No. 91205879, provided consent to the proposed amendment.

Application Serial No. 85393670

By the proposed amendment applicant seeks to amend the present disclaimer of LONGBOARDER to disclaim the additional term CENTRAL PARK, so that the amended disclaimer reads: No claim is made to the exclusive right to use "CENTRAL PARK LONGBOARDER" apart from the mark as shown. This is an acceptable disclaimer.

By further proposed amendment, applicant seeks to amend the drawing page. In support of this amendment applicant has submitted a substitute drawing page. Upon review, the proposed drawing is not a material alteration of the original drawing. See Trademark Rule 2.72.

Inasmuch as the amendment complies with all of the procedural requirements of 2.72, and because opposers consent thereto, it is approved. See Trademark Rule 2.133(a).

Registration No. 4022850

By the proposed amendment respondent seeks to amend the present disclaimer in Int. Cl. 35 of SKATEBOARDER to disclaim the additional term CENTRAL PARK, so that the amended disclaimer reads: No claim is made to the exclusive right to use "CENTRAL PARK SKATEBOARDER" apart from the mark as shown. This is an acceptable disclaimer. The Board notes that CENTRAL PARK SKATEBOARDER already is disclaimed in Int. Cl. 41.

By further proposed amendment, respondent seeks to amend the drawing page. In support of this amendment respondent has submitted a substitute drawing page. Upon review, the proposed drawing is not a material alteration of the original drawing. See Trademark Rule 2.72.

The amendment to the registration is not supported by the appropriate fee or verified declaration under Trademark Act Section 2.20, as required. See Trademark Rules 2.6 and 2.173. Accordingly, registrant is allowed thirty days from the mailing date of this order to submit the appropriate fee and verification, failing which the proposed amendment will be given no further consideration.

While the same order will issue in consolidated Opposition No. 91205964, the fee should be submitted in connection with one proceeding, and the payment should be

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noted in the other proceeding. There is no need for two fees.

The amendments will be entered when all formalities have been met. Proceedings are otherwise suspended.