

ESTTA Tracking number: **ESTTA655255**

Filing date: **02/11/2015**

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

Proceeding	91207213
Party	Plaintiff Chicago Cubs Baseball Club, LLC, Washington Nationals Baseball Club, LLC
Correspondence Address	SETH SHAFER COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES mlk@ccl.com, dmo@ccl.com, trademark@ccl.com, jmn@ccl.com
Submission	Other Motions/Papers
Filer's Name	Don M. Obert
Filer's e-mail	mlk@ccl.com, dmo@ccl.com, jmn@ccl.com, trademark@ccl.com
Signature	/Don M. Obert/
Date	02/11/2015
Attachments	THE BIG W Opp No 91207213 Motion Amend 02112015.pdf(155126 bytes)

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

In re Application Serial No. 85/452,733
Filed: October 21, 2011
For Mark: THE BIG "W"
Published in the Official Gazette: April 3, 2012

-----X
WASHINGTON NATIONALS BASEBALL :
CLUB, LLC, and CHICAGO CUBS BASEBALL :
CLUB, LLC, :
Opposers, : Consolidated
v. : Opposition No. 91207213
JOSEPH A. FAY, :
Applicant. :
-----X

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

**MOTION ON CONSENT TO AMEND APPLICATION AND, IF ACCEPTED,
TO WITHDRAW THE CONSOLIDATED OPPOSITION ON CONSENT**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant respectfully requests that the above-captioned application be amended by adding the bolded language “; **all the foregoing not relating to sports, sports broadcasting, or a sports team, league, mascot or stadium**” to the end of the description of services, which should now read:

RADIO BROADCASTING, INTERNET RADIO BROADCASTING; ALL THE FOREGOING NOT RELATING TO SPORTS, SPORTS BROADCASTING, OR A SPORTS TEAM, LEAGUE, MASCOT OR STADIUM in International Class 38

It is respectfully submitted that this amendment does not require republication as the amendment of the description of services narrows rather than broadens the scope of the application.

This amendment is made pursuant to an Agreement between Applicant and Opposers, who have consented to this amendment. If the amendment is approved by the Board, Opposers, with Applicant's consent, request that the opposition be withdrawn without prejudice.

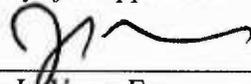
CONCLUSION

Applicant respectfully requests that this request to amend the application be granted in its entirety.

Dated: December 22, 2014

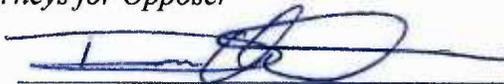
Respectfully submitted,

PERKINS COIE LLP
Attorneys for Applicant

By: 
James L. Vana, Esq.
1201 3rd Avenue, Ste 4900
Seattle, Washington 98101
206-359-3036

CONSENTED TO:

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 
Mary L. Kevlin, Esq.
Don M. Obert, Esq.
1133 Avenue of the Americas
New York, New York 10036
212-790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 11, 2015, I caused a true and correct copy of the foregoing Motion on Consent to Amend Application and, if Accepted, to Withdraw the Consolidated Opposition on Consent be sent via First Class Mail, postage prepaid, to Applicant's Attorney of Record, James L. Vana, Esq., 1201 3rd Avenue, Ste. 4900, Seattle, Washington 98101.

/Don M. Obert/
Don M. Obert