

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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Mailed: May 7, 2014

Opposition No. 91207718

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

v.

Warrior Athletics LLC

By the Trademark Trial and Appeal Board:

On April 25, 2014, applicant filed a stipulated motion to amend subject application Serial No. 85474290, and a contingent withdrawal without prejudice of the opposition.¹

By the proposed amendment applicant seeks to amend the identification of goods and services by adding the wording “all the foregoing relating to mixed martial arts, fitness, exercise and self-defense and not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium” to the end of International Classes 16, 18, and 25; and the wording “all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or

¹ The filing fails to indicate proof of service of a copy of same upon opposer as required by Trademark Rule 2.119. In order to expedite this matter, opposer is directed to the following URL where it may view a copy of the filing.
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91207718&pty=OPP&eno=17>

stadium” to the end of International Classes 28, 35², and 41; so the resulting identifications of goods and services will read as:

Class 16

Books and printed instructional and teaching manuals in the field of sports and entertainment, namely, in the fields of mixed martial arts, fitness and exercise; magazines and newspapers featuring sports and entertainment; calendars; posters and programs for sports competitions and sporting events, namely, competitions and events involving mixed martial arts; photographs; postcards; trading cards; stickers; catalogs featuring sports and fitness merchandise; all the foregoing relating to mixed martial arts, fitness, exercise and self-defense and not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium;

Class 18

Sports and fitness bags; back packs; book bags; duffel bags; tote bags; footlockers; all the foregoing relating to mixed martial arts, fitness, exercise and self-defense and not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium;

Class 25

Clothing and apparel, namely, martial arts uniforms, athletics uniforms, referee uniforms, shirts, t-shirts, jerseys, vests, sweaters, jackets, parkas, shorts, pants, slacks, belts, socks, shoes, boots, slippers, sandals, loungewear, jogging suits, sweatshirts, sweatpants, swimwear, beach wear, tank tops, undergarments, wristbands, headwear, bandanas; all the foregoing relating to mixed martial arts, fitness, exercise and self-defense and not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium;

Class 28

Equipment for mixed martial arts, fitness, exercise and self-defense, namely, training gloves, heavy bag gloves, competition gloves, cage gloves, grappling gloves, kicking shields, shin guards, female chest protectors, punch mitts, point fighting hand gear, cups, pads, wraps, kick targets, foot gear, body

² Inasmuch as the motion shows the specific amendment to Class 35 on (unnumbered) page 2, the Board construes the (second) mention of Class 25 as a typographical error which should actually reference Class 35.

shields, training vests, sparring vests; all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium;

Class 35

Promoting sports competitions and sporting events, namely, competitions and events involving mixed martial arts; all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium; and

Class 41

Organizing live sports competitions, sporting events, and performances, namely, competitions, events and performances involving mixed martial arts; health club and gym services, namely, providing instructional and training classes, workshops, seminars, and presentations in the fields of mixed martial arts, fitness, exercise, and self-defense; all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium.

Inasmuch as the amendments are 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 without prejudice.