

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

dmd/jk

Mailed: October 1, 2013

Opposition No. 91212137

New York Yankees Partnership

v.

New Yorker S.H.K. Jeans GmbH
& Co. KG

On September 20, 2013, the parties filed applicant's proposed amendment to its application Serial No. 79096466, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the identification of goods in International Classes 9, 14, 18, and 25 by adding the following wording to the end of each of the identifications of goods: **all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium**, such that the identifications of goods now read:

International Class 9

"Eye glasses, particularly sunglasses, sports glasses, ski glasses, frames for eye glasses, electronic data carriers, namely, pre-recorded data carriers featuring music; tone

carriers of all kinds, namely, phonographs discs featuring music, phonograph records featuring music, sound recordings featuring music, phonograph tapes featuring music, pre-recorded audio discs featuring music, sound recordings, pre-recorded audio tapes featuring music, pre-recorded video discs featuring music, pre-recorded video tapes featuring music, pre-recorded compact disks featuring music, pre-recorded DVDs featuring music; all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium"

International Class 14

"Costume jewelry; horological and chronometric instruments; watch straps; all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium"

International Class 18

"Bags, namely, travelling bags, backpacks, shoulder bags, handbags, purses, all-purpose carrying bags; sports bags, school bags; all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium"

International Class 25

"Clothing, namely, long trousers, jeans, pants, slacks, short trousers, shorts, boxer shorts, 3/4 length trousers, slacks with strap under foot, culottes, blouses, dresses, sweaters, shirts, short-sleeved shirts, T-shirts, long-sleeved shirts, socks; footwear, headgear, namely, hats, caps, head kerchiefs; outerwear for gentlemen and ladies, namely, waistcoats, jackets, denim jackets, coats, tunics, blazers, lounging jackets, bomber jackets, overalls, dungarees; underwear; undergarments; belts, scarves, gloves, bathing fashion for gentlemen and ladies, namely, beachwear, swim wear, bathing suits, swimsuits and bathing trunks; leisure and city shoes for gentlemen and ladies; all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium"

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

***By the Trademark Trial
and Appeal Board***