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Filing date: **01/28/2015**

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

Proceeding	91214244
Party	Plaintiff St. Louis Cardinals, LLC
Correspondence Address	BRIDGET A CRAWFORD COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES esk@cll.com, bac@cll.com, mlk@cll.com, jmn@cll.com, trademark@cll.com
Submission	Other Motions/Papers
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Signature	/Bridget A. Crawford/
Date	01/28/2015
Attachments	Motion to Amend and Withdraw on Consent.pdf(164532 bytes)

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

In re Application Serial No. 85/787,443
Filed: November 26, 2012
For Mark: CARDINALS (& Design)
Published in the Official Gazette: July 2, 2013

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: ST. LOUIS CARDINALS, LLC, :
: :
: Opposer, :
: v. :
: THE COLLEGE OF ADAPTIVE ARTS, :
: :
: Applicant. :
: :
-----X

Opposition No. 91214244

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 OPPOSITION ON CONSENT**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant respectfully requests that the above-captioned application be amended as follows:

(i) by adding the bolded language “; **all the foregoing not relating to sports or a sports team, league, mascot or stadium**” to the end of the description of services, which should now read:

CHARITABLE SERVICES, NAMELY, MENTORING OF STUDENTS WITH DIFFERING DISABILITIES IN THE FIELD OF FINE ARTS, ENTERTAINMENT AND COMMUNICATION; CHARITABLE SERVICES, NAMELY, OPERATION OF A SCHOOL FOR STUDENTS WITH DIFFERING DISABILITIES IN THE FIELD OF FINE ARTS, ENTERTAINMENT AND COMMUNICATION; CHARITABLE SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, AND WORKSHOPS IN THE FIELD OF FINE ARTS, ENTERTAINMENT,

AND COMMUNICATION FOR STUDENTS WITH DIFFERING ABILITIES; PROVIDING CAMPS FOR CHILDREN AND ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; WORKSHOPS AND SEMINARS IN THE FIELD OF OPPORTUNITIES, ENRICHMENT, AND COURSEWORK FOR STUDENTS WITH DIFFERING DISABILITIES; ALL THE FOREGOING NOT RELATING TO SPORTS OR A SPORTS TEAM, LEAGUE, MASCOT OR STADIUM in International Class 41;

(ii) by amending Applicant's mark to include the term CAA in front of the term CARDINALS in Applicant's mark, as depicted in the attached substitute drawing;
and

(iii) by amending the drawing of Applicant's mark by deleting the current drawing page and substituting in its place the drawing page annexed hereto.

It is respectfully submitted that these amendments do not require republication as amendment (i) narrows rather than broadens the scope of the application, and amendments (ii) and (iii) are not a material alteration of the mark and do not materially alter the overall appearance of the mark so as to create the impression of a different mark than originally applied for.

These amendments are made pursuant to an agreement between Applicant and Opposer, who has consented to these amendments. If the amendments are approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn without prejudice.

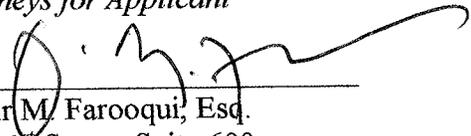
CONCLUSION

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

Dated: January 2, 2015

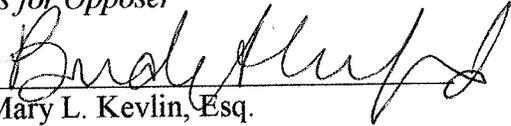
Respectfully submitted,

ELLAHIE & FAROOQUI, LLP
Attorneys for Applicant

By: 
Omair M. Farooqui, Esq.
12 S. 1st Street, Suite 600
San Jose, CA 95113
408-294-0404

CONSENTED TO:

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

By: 
Mary L. Kevlin, Esq.
Bridget A. Crawford, Esq.
1133 Avenue of the Americas
New York, New York 10036
212-790-9200

SUBSTITUTE DRAWING PAGE

APPLICANT: The College of Adaptive Arts

FIRST USE: August 29, 2012

IN COMMERCE: August 29, 2012

SERVICES : CHARITABLE SERVICES, NAMELY, MENTORING OF STUDENTS WITH DIFFERING DISABILITIES IN THE FIELD OF FINE ARTS, ENTERTAINMENT AND COMMUNICATION; CHARITABLE SERVICES, NAMELY, OPERATION OF A SCHOOL FOR STUDENTS WITH DIFFERING DISABILITIES IN THE FIELD OF FINE ARTS, ENTERTAINMENT AND COMMUNICATION; CHARITABLE SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, AND WORKSHOPS IN THE FIELD OF FINE ARTS, ENTERTAINMENT, AND COMMUNICATION FOR STUDENTS WITH DIFFERING ABILITIES; PROVIDING CAMPS FOR CHILDREN AND ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; WORKSHOPS AND SEMINARS IN THE FIELD OF OPPORTUNITIES, ENRICHMENT, AND COURSEWORK FOR STUDENTS WITH DIFFERING DISABILITIES; ALL THE FOREGOING NOT RELATING TO SPORTS OR A SPORTS TEAM, LEAGUE, MASCOT OR STADIUM

DESCRIPTION OF MARK: The mark consists of a Star with a face of a cardinal with music notes and film tape on the back. Underneath the bottom of the star are the words "CAA" and "CARDINALS".



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 28, 2015, I caused a true and complete copy of the foregoing *Motion on Consent to Amend Application and, if Accepted, to Withdraw the Opposition on Consent* to be sent by First Class Mail, postage pre-paid, to Applicant's Attorney and Correspondent of Record, Omair M. Farooqui, Ellahie & Farooqui LLP, 12 S 1st Street, Suite 600, San Jose, CA 95113-2404

Dated: New York, New York
January 28, 2015

/Bridget A. Crawford/
Bridget A. Crawford