

ESTTA Tracking number: **ESTTA643099**

Filing date: **12/08/2014**

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

Proceeding	91216342
Party	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Correspondence Address	Anna Jakobsson Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ayj@cll.com, mlk@cll.com, trademark@cll.com, jmn@cll.com
Submission	Other Motions/Papers
Filer's Name	Maya L. Tarr
Filer's e-mail	mxt@cll.com, trademark@cll.com, jmn@cll.com
Signature	/Maya L. Tarr/
Date	12/08/2014
Attachments	BB THE DIFFERENCE Motion to Amend Application.pdf(94530 bytes) BB THE DIFFERENCE Certificate of Service.pdf(15102 bytes)

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

In re Application Serial No. 85/770,458
Filed: November 2, 2012
For Mark: B B THE DIFFERENCE & Design
Published in the Official Gazette: November 12, 2013

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:
BOSTON RED SOX BASEBALL CLUB :
LIMITED PARTNERSHIP, :
:
Opposer, :
v. :
:
THE BRANDON MERRITT :
CHARITABLE FOUNDATION, :
:
Applicant. :
:
-----X

Opposition No. 91216342

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 by:

A. amending the mark by amending to the stylization shown in the drawing
page annexed hereto; and

B. amending the drawing of the mark by deleting the current drawing page
and substituting in its place the drawing annexed hereto.

It is respectfully submitted that the amendments above are not material alterations of the mark and do not materially alter the overall appearance of the mark so as to create the impression of a different mark from the mark originally applied for. Thus, none of the amendments necessitates republication of the mark.

These amendments are made pursuant to an Agreement between Applicant and Opposer, who has consented to these amendments. If all the amendments are approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn without prejudice.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: November 17, 2014

Respectfully submitted,

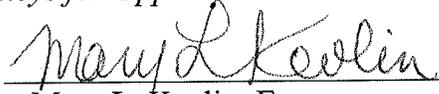
HIGER, LICHTER & GIVNER LLP
Attorneys for Applicant

By: 

Mark E. Stein, Esq.
18305 Biscayne Blvd., Ste 302
Aventura, Florida 33160-2712
(305) 356-7550

CONSENTED TO:

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

By: 

Mary L. Kevlin, Esq.
Anna Jakobsson, Esq.
1133 Avenue of the Americas
New York, New York 10036
212-790-9200

AMENDED DRAWING PAGE

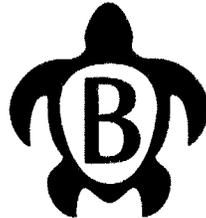
APPLICANT: The Brandon Merritt Charitable Foundation

FIRST USE: February 15, 2011

IN COMMERCE: March 12, 2012

SERVICES: CHARITABLE FOUNDATION SERVICES, NAMELY,
PROVIDING FUNDRAISING ACTIVITIES AND FUNDING
FOR THE RESEARCH AND CURE OF
NEUROFIBROMATOSIS; CHARITABLE FUNDRAISING
SERVICES FOR PROMOTING RESEARCH, EDUCATION
AND OTHER ACTIVITIES RELATING TO
NEUROFIBROMATOSIS in International Class 36;

DESCRIPTION OF MARK: The mark consists of a stylized turtle with a stylized letter "B" in the center of its shell.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 8, 2014, I caused a true and correct copy of the foregoing Motion to Amend Application and, if Accepted, to Withdraw the Opposition on Consent be sent via First Class Mail, postage prepaid, to Applicant's Attorney of Record, Mark E. Stein, Higer Lichter & Givner, LLP, 18305 Biscayne Blvd. Ste. 302, Aventura, FL 33160-2172.

/Maya L. Tarr/
Maya L. Tarr