

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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am/apb

Mailed: September 7, 2016

Opposition No. 91227747

'47 Brand, LLC

v.

Stewart-Haas Racing, LLC

Andrew P. Baxley, Interlocutory Attorney:

On August 30, 2016, Applicant filed a proposed amendment to its application Serial No. 86624753, with Opposer's consent. By the proposed amendment, Applicant seeks to amend the identification of goods to add the following language “marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia” to the identification in International Classes 12, 16, and 21. As amended, the identification of goods in those classes would read:¹

International Class 12

License plate frames and license plate holders marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia

International Class 16

Printed material, namely, brochures, magazines, newsletters, pamphlets, souvenir programs, all the foregoing in the field of motorsports and marketed as goods associated with a stock car racing team and sold to stock car racing fans through

¹ The identification in International Classes 25 and 41 remains unchanged.

specialized outlets featuring motorsports racing merchandise and paraphernalia; paper magazine covers, decals, static decals, stickers, trading cards, and window decals marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia

International Class 21

Housewares marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia, namely, shot glasses, drinking glasses, cups, mugs and drinking steins, coffee cups, and pet feeding dishes; coasters not made of paper or cloth, bottle openers, portable beverage coolers, thermal insulated cooler bags for beverages, insulated portable sports coolers, thermal insulated containers for can beverages, plastic sports bottles sold empty, and plastic water bottles sold empty

In addition, Applicant seeks to add the wording “Toys and sporting goods marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia, namely,” at the beginning of the identification in International Class 28. As amended, the identification of goods in that class would read as follows:

International Class 28

Toys and sporting goods marketed as goods associated with a stock car racing team and sold to stock car racing fans through specialized outlets featuring motorsports racing merchandise and paraphernalia, namely, Miniature toys, namely, automobiles, toy model automobiles; automobile, truck, and all-terrain vehicle toy banks; golf balls, toy cars of plastic and metal, toy vehicle haulers, toy model cars and related accessories sold as a unit, diecast toy cars, and diecast toy vehicle haulers; replica toy driver helmets

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, Opposer should withdraw the opposition within thirty days from the mailing date set forth in this order, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c). Proceedings are otherwise suspended.