

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

kk/DUNN

Mailed: March 25, 2014

Opposition No. 91205879  
Cancellation No. 92055800

City of New York, By and  
Through Its Department of  
Parks & Recreation

v.

Susoix LLC

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

On September 30, 2013, defendant Susoix LLC filed proposed amendments to its application Serial No. 85393670 and Registration No. 4022850, with the consent of City of New York, By and Through Its Department of Parks & Recreation, plaintiff in these consolidated proceedings, and Central Park Conservancy, Inc., plaintiff in related consolidated Opposition No. 91205964 and Cancellation No. 92055812.

The better practice would be to specify in the proposed amendment that all plaintiffs, including the plaintiffs in consolidated Opposition No. 91205964, provided consent to the proposed amendment. However, the Board notes that Susoix LLC filed the identical proposed amendment in this

Opposition No. 91205879 and Cancellation No. 92055800

consolidated opposition and consolidated Opposition No. 91205964, with the consent of the different plaintiffs. Thus, while in separate documents, all plaintiffs, including the plaintiffs in consolidated Opposition No. 91205964, provided consent to the proposed amendment.

Application Serial No. 85393670

By the proposed amendment applicant seeks to amend the present disclaimer of LONGBOARDER to disclaim the additional term CENTRAL PARK, so that the amended disclaimer reads: No claim is made to the exclusive right to use "CENTRAL PARK LONGBOARDER" apart from the mark as shown. This is an acceptable disclaimer.

By further proposed amendment, applicant seeks to amend the drawing page. In support of this amendment applicant has submitted a substitute drawing page. Upon review, the proposed drawing is not a material alteration of the original drawing. See Trademark Rule 2.72.

Inasmuch as the amendment complies with all of the procedural requirements of 2.72, and because opposers consent thereto, it is approved. See Trademark Rule 2.133(a).

Registration No. 4022850

By the proposed amendment respondent seeks to amend the present disclaimer in Int. Cl. 35 of SKATEBOARDER to disclaim the additional term CENTRAL PARK, so that the amended disclaimer reads: No claim is made to the exclusive right to use "CENTRAL PARK SKATEBOARDER" apart from the mark as shown.

This is an acceptable disclaimer. The Board notes that CENTRAL PARK SKATEBOARDER already is disclaimed in Int. Cl. 41.

By further proposed amendment, respondent seeks to amend the drawing page. In support of this amendment respondent has submitted a substitute drawing page. Upon review, the proposed drawing is not a material alteration of the original drawing. See Trademark Rule 2.72.

The amendment to the registration also is supported by the appropriate fee and verified declaration under Trademark Act Section 2.20, which were submitted in Opposition No. 91205879. See Trademark Rules 2.6 and 2.173.

Accordingly, the consented amendment, as supplemented with submissions in Opposition No. 91205879, is accepted.

While the Board will enter the changes to application Serial No. 85393670, the amendment of Registration No. 4022850 will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in plaintiff's withdrawal having now been met, the notice of opposition and petition to cancel are dismissed without prejudice.