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

Proceeding	94002550
Party	Applicant Community Tampa Bay, Inc.
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Date	10/22/2012
Attachments	Joint Motion to Amend Concurrent Use Application - signed.pdf (6 pages) (158001 bytes)

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

COMMUNITY TAMPA BAY, INC.,)
Plaintiff-Applicant)
)
v.)
)
THE NATIONAL CONFERENCE FOR) **Concurrent Use No. 94002550**
COMMUNITY AND JUSTICE OF THE)
PIEDMONT TRIAD, INC.,) **Mark: ANYTOWN**
Defendant-User) **Serial No. 85/488,380**
)
v.)
)
THE NATIONAL CONFERENCE FOR)
COMMUNITY AND JUSTICE)
CONNECTICUT/WESTERN MASSACHUSETTS,)
INC.,)
Defendant-User)
)
v.)
)
THE INTERFAITH COUNCIL OF SOUTHERN)
NEVADA,)
Defendant-User)
)
v.)
)
VALLEY OF THE SUN YMCA,)
Defendant-User)
)
v.)
)
OASIS CENTER,)
Defendant-User)
)
v.)
)
YWCA CENTRAL ALABAMA,)
Defendant-User)
)
v.)
)
NATIONAL CONFERENCE FOR COMMUNITY)

AND JUSTICE OF GREATER DAYTON,)
Defendant-User)
)
v.)
)
OKLAHOMA CENTER FOR COMMUNITY AND)
JUSTICE,)
Defendant-User)
)
v.)
)
NEW ORLEANS COUNCIL FOR COMMUNITY)
AND JUSTICE,)
Defendant-User)
)

JOINT MOTION TO AMEND APPLICATION

Pursuant to TBMP § 1104, Plaintiff-Applicant, Community Tampa Bay, Inc. and Defendant-User The National Conference for Community and Justice Connecticut / Western Massachusetts, Inc. (“NCCJ – CT MA”) (collectively, the “Parties”), hereby jointly submit this Motion to Amend Application.

The Parties wish to amend the Concurrent Use application to exclude the additional territories of Rhode Island, Maine, New Hampshire, and Vermont in light of NCCJ – CT MA’s concurrent use of the ANYTOWN Mark in these states.

At the time of filing the ANYTOWN concurrent use application, Community Tampa Bay was aware of NCCJ – CT MA’s use of the ANYTOWN Mark only in Connecticut and Massachusetts. Upon receiving service of the Concurrent Use proceeding, the Parties met to discuss their respective uses and geographic scope of those uses. Based on these discussions, Community Tampa Bay learned and NCCJ – CT MA confirmed that NCCJ – CT MA has been using the ANYTOWN Mark in Rhode Island, Maine, New Hampshire, and Vermont, in addition

to Connecticut and Massachusetts which were previously identified. As a result, the Parties now jointly move to amend the Concurrent Use application to reflect this additional information.

The Parties jointly request that the Board amend the application as follows, with changes shown in bold:

Concurrent use information. The applicant seeks registration of the mark without limitation to any particular mode of use for educational services, namely, conducting classes, seminars, dialogue groups and workshops and facilitating participation in service learning events all in the fields of inclusive leadership training, diversity and sensitivity education and training, conflict mediation, advocacy and communication skill building, and distribution of course materials in connection therewith, and claims exclusive right to the mark in the area comprising the entire United States, with the exception of the following states: North Carolina, Connecticut, Massachusetts, **Rhode Island, Maine, New Hampshire, Vermont**, Nevada, Arizona, Tennessee, Alabama, Ohio, Oklahoma, Illinois and Louisiana. Applicant is aware of the following unregistered users of the ANYTOWN mark, and information regarding these uses is set forth as follows, to the best to the Applicant's knowledge: (1) The National Conference for Community and Justice of the Piedmont Triad, Inc., 713 North Greene Street, Greensboro, NC 27401; Geographic Area: North Carolina; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (2) The National Conference for Community and Justice Connecticut/Western Massachusetts, Inc., 1095 Day Hill Road, Windsor, CT 06095; Geographic Area: Connecticut, **and Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont**; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (3) The Interfaith Council of Southern Nevada, P.O. Box 73070, Las Vegas, NV 89170; Geographic Area: Nevada; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (4) Valley of the Sun YMCA, 350 N. First Ave., Phoenix, AZ 85003; Geographic Area: Arizona; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (5) Oasis Center, 1704 Charlotte Ave., Suite 200, Nashville, TN 37203; Geographic Area: Tennessee; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (6) YWCA Central Alabama, 309

North 23rd Street, Birmingham, AL 35203; Geographic Area: Alabama; Duration of Use: 2011 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (7) National conference for Community and Justice of Greater Dayton, 14 West First Street, Suite 401, Dayton, OH 45402-1259; Geographic Area: Ohio Duration of Use: unknown; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (8) Oklahoma Center for Community and Justice, 100 West Fifth Street, LL 1030, Tulsa, OK 74103-4273; Geographic Area: Oklahoma; Duration of Use: 2007 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (9) New Orleans Council for Community and Justice, 650 Poydras Street, Suite 2303, new Orleans, Louisiana 70130; Geographic Area: Louisiana; Duration of Use: 2009 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. All verifications or declarations in this application indicating that no one else to the best of Applicant's knowledge and belief, has the right to use the mark in commerce, refers to "no one else" except as specified in the application.

The Parties request that Application No. 85/488,380 be amended as set forth above. This Joint Motion is being made early in the proceeding, before NCCJ -- CT MA's deadline for answering has expired, and will not cause undue delay or prejudice. If the Board has any questions, kindly contact the Attorneys for Applicant.

On behalf of Defendant-User,

The National Conference for Community and Justice Connecticut / Western Massachusetts, Inc.

Signature: Andrea C. Kandel

Name: Andrea C. Kandel

Title: Executive Director

820A Prospect Hill Road
Windsor, CT 06095

Date: October 22, 2012

On behalf of Plaintiff-Applicant,

Community Tampa Bay, Inc.

Signature: Stacie Blake

Name: Stacie Blake

Title: Executive Director

1499 Beach Drive SE, Unit C
St. Petersburg, FL 33701

Date: October 22, 2012

Date: October 22, 2012

Respectfully submitted,

FOLEY & LARDNER LLP



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Attorneys for Plaintiff-Applicant

CERTIFICATE OF SERVICE

I, hereby certify that on October 22, 2012, a true and correct copy of the JOINT MOTION TO AMEND APPLICATION was served by first-class mail, postage prepaid, on each Defendant-User at the following addresses:

THE NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE OF THE PIEDMONT TRIAD INC
713 NORTH GREENE STREET
GREENSBORO, NC 27401

THE NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE CONNECTICUT WESTERN MASSACHUSETTS INC
1095 DAY HILL ROAD
WINDSOR, CT 06095

THE INTERFAITH COUNCIL OF SOUTHERN NEVADA
PO BOX 73070
LAS VEGAS, NV 89170

VALLEY OF THE SUN YMCA
350 N FIRST AVENUE
PHOENIX, AZ 85003

OASIS CENTER
1704 CHARLOTTE AVENUE
SUITE 200
NASHVILLE, TN 37203

YWCA CENTRAL ALABAMA
309 NORTH 23RD STREET
BIRMINGHAM, AL 35203

NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE OF GREATER DAYTON
14 WEST FIRST STREET
SUITE 401
DAYTON, OH 45402-1259

OKLAHOMA CENTER FOR COMMUNITY AND JUSTICE
100 WEST FIFTH STREET
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650 POYDRAS STREET
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