

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

Baxley

Mailed: June 2, 2008

Opposition No. 91160773
Opposition No. 91160816
Opposition No. 91160822
Opposition No. 91162733
Opposition No. 91163994
Opposition No. 91164059
Opposition No. 91164934
Opposition No. 91164936
Opposition No. 91167801

Shakespeare Company, LLC

v.

The Baby Einstein Company, LLC

By the Trademark Trial and Appeal Board:

On April 22, 2008, applicant filed the parties' stipulation to the amendment of applicant's application Serial Nos. 76452606 (the involved application in Opposition No. 91160816), 76452605 (the involved application in Opposition No. 91163994), and 76452603 (the involved application in Opposition No. 91167801) and the dismissal of all of the above-captioned oppositions upon entry of the amendment.

By the proposed amendments, applicant seeks to change the identification of goods in application Serial No. 76452606 **from** "baby backpacks; backpacks; all-purpose athletic bags; beach bags; book bags; diaper bags; duffel bags; tote bags; coin purses; fanny packs, knapsacks; waist

Opposition Nos. 91160773, 91160816, 91160822, 91162733, 91163994, 91164059, 91164934, 91164936, and 91167801

packs; textile, mesh and leather shopping bags; umbrellas; wallets; luggage; handbags; purses" to "baby backpacks; backpacks; beach bags; book bags; diaper bags; duffel bags; tote bags; coin purses; fanny packs, knapsacks; waist packs; textile, mesh and leather shopping bags; umbrellas; wallets; luggage; handbags; purses;" in application Serial No. 76452605 **from** "plastic cake decorations; drinking straws; figurines of wood, wax, plaster, or plastic; picture frames; jewelry boxes not of precious metal; decorative mobiles; pillows; decorative wall plaques; statues of wood, wax, plaster, or plastic; mirrors; plastic ornamental badges; toy chests; beds; infant walkers; seats; bassinets; infant cradles; playpens; non-metal nesting boxes; high chairs for babies" to "plastic cake decorations; drinking straws; figurines of wood, wax, plaster, or plastic; picture frames; jewelry boxes not of precious metal; decorative mobiles; pillows; decorative wall plaques; statues of wood, wax, plaster, or plastic; mirrors; plastic ornamental badges; toy chests; beds; infant walkers; seats; bassinets; infant cradles; playpens; high chairs for babies;" and in application Serial No. 76452603 **from** "action skill games; bean bag dolls; plush toys; balloons; bath toys; Christmas tree ornaments; board games; toy building blocks; equipment sold as a unit for playing card games; playing cards; dolls and doll clothing; doll playsets; crib toys; electric action toys; manipulative games; jigsaw puzzles; kites; toy

Opposition Nos. 91160773, 91160816, 91160822, 91162733, 91163994, 91164059, 91164934, 91164936, and 91167801

mobiles; music box toys; party favors in the nature of small toys; inflatable pool toys; multiple activity toys; wind-up toys; toy vehicles; toy cars; toy trucks; toy bucket and shovel sets; toy model hobby craft kits; musical toys; bubble making wands and solution sets consisting of liquid soap solution and bubble making wand; toy banks; puppets; face masks; hand-held unit for playing electronic games; specifically excluding recreational equipment, fishing poles, fishing line, fishing reels, fishing tackle, and camping products and sporting goods" to "games, playthings and toys designed to stimulate the learning capabilities of infants and children, namely, action skill games, bean bag dolls, plush toys, balloons, bath toys, Christmas tree ornaments, board games, toy building blocks, equipment sold as a unit for playing card games, playing cards, dolls and doll clothing, doll playsets, crib toys, electric action toys, manipulative games, jigsaw puzzles, kites, toy mobiles, music box toys, party favors in the nature of small toys, inflatable pool toys, multiple activity toys, wind-up toys, toy vehicles, toy cars, toy trucks, toy bucket and shovel sets, toy model hobby craft kits, musical toys, bubble making wands and solution sets consisting of liquid soap solution and bubble making wand, toy banks, puppets, hand-held unit for playing electronic games; but specifically excluding recreational equipment, fishing

**Opposition Nos. 91160773, 91160816, 91160822, 91162733, 91163994, 91164059,
91164934, 91164936, and 91167801**

poles, fishing line, fishing reels, fishing tackle, and camping products and sporting goods."

The amendments are limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, all of the above-captioned oppositions are dismissed without prejudice.