

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

coggins

Mailed: November 16, 2007

Opposition No. 91171687

Master Entertainment, Inc.

v.

Centaur Entertainment, Inc.  
and Gay Days, Inc.

On May 10, 2007, the Board issued an order (1) granting applicant's motion to dismiss to the extent that opposer was allowed thirty days in which to file an amended pleading that would set forth allegations that specifically identify the mark and the goods/services for which opposer claimed prior use; (2) granting applicant's motion to join Gay Days, Inc. as party defendant, and advising applicant that it may submit a request to identify Gay Days, Inc. as a joint applicant/owner of the involved mark; and (3) denying applicant's motion to amend the dates of use of the involved Application Serial No. 78521976, but allowing

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applicant time to supplement its motion to amend the date of first use in commerce with a supporting declaration.

Now before the Board are applicant's declaration (filed June 11, 2007) and motions to amend the applicant and date of first use in commerce (filed September 18, 2007).

Motion to Dismiss

The record shows no response by opposer to the Board's May 10, 2007 order granting the motion to dismiss but allowing opposer time to amend the notice of opposition. In view thereof the opposition is **dismissed** with prejudice. Fed. R. Civ. P. 12(b).

The opposition being herein dismissed, the Board now considers applicant's motions to amend.

Motion to Amend Applicant

Inasmuch as applicant has filed a written request to amend its name to reflect the joint ownership of the mark by Gay Days, Inc. (a Florida corporation) and Centaur Entertainment, Inc. (a New York corporation), and has recorded an assignment with the Assignment Services Division of the USPTO at Reel 3573, Frame 0304, applicant's motion to amend is **granted**. Accordingly, the registration certificate will issue in the name of the joint applicants.

Motion to Amend Date of Use

Inasmuch as the September 14, 2007 declaration of Chris Alexander-Manley (submitted with the September 18, 2007 motion) supports the proposed amendment to the date of first use in commerce, and the declaration meets the requirements of Trademark Rule 2.20, applicant's motion to amend is **granted**. The date of first use in commerce of the mark in the involved application will be changed to August 25, 1997.

The opposition being herein dismissed and the amendments being herein granted, the application will move forward to registration.

*By the Trademark Trial  
and Appeal Board*