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Filing date: **09/12/2007**

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

Proceeding	91177971
Party	Plaintiff Nike, Inc.
Correspondence Address	Edward M. Siegel Leydig, Voit & Mayer, Ltd. 180 North Stetson AvenueTwo Prud, Two Prudential Plaza Suite 4900 Chicago, IL 60601 UNITED STATES esiegel@leydig.com, kparks@leydig.com
Submission	Withdrawal of Opposition
Filer's Name	Kevin Parks
Filer's e-mail	kparks@leydig.com
Signature	/Kevin Parks/
Date	09/12/2007
Attachments	Motion to Amend Application.pdf ( 7 pages )(379679 bytes )

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

NIKE, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91177971
	)	Serial No. 78/974,983
BLUEFIN HOLDING CO.	)	
	)	
<u>Applicant.</u>	)	

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**MOTION TO AMEND APPLICATION, WITH CONSENT, AND  
CONTINGENT WITHDRAWAL OF OPPOSITION**

The parties have settled this Opposition proceeding pursuant to an agreement fully executed as of August 16, 2007. Pursuant to the agreement, by this motion seeks the Board's approval of an amendment to the drawing in application serial No. 78/974,983, to that shown in Exhibit A hereto. Following approval of the amendment, this document will also act as Opposer's voluntary withdrawal of the Notice of Opposition, without prejudice.

Pursuant to 37 CFR § 2.133(a), an application involved in an opposition proceeding may be amended with the consent of the other party and the approval of the Trademark Trial and Appeal Board. Thus, Applicant, with Opposer's consent as indicated by its attorney's signature below, requests that the Board approve an amendment to the application drawing herein, to that shown in Exhibit A. Applicant submits that the proposed amendment is appropriate pursuant to 37 CFR § 2.72.

Should the Board grant the requested amendment, this Opposition will become moot. Accordingly, Opposer hereby requests that, contingent upon and following approval of the amendment, the Board also acknowledge this document as Opposer's withdrawal of the Notice of Opposition herein, without prejudice.

Finally, the parties mutually request that the pleadings # 5 and # 6 filed August 21 ("ANSWER") and 23 ("D'S CORRESPONDENCE"), 2007 by Applicant be expunged from the public record and replaced by Applicant's letter dated August 21, 2007, submitted as Exhibit B hereto. The Applicant has not filed an Answer per se, and the parties did not intend to have their agreement become part of the public record.

Respectfully submitted,

Applicant, Bluefin Holding Co.

Dated: September 12, 2007

By: Glenn Dietz (147)  
Glenn Dietz, President

Opposer, Nike, Inc.

Dated: September 12, 2007

By: Kevin C. Parks  
Kevin C. Parks

Leydig Voit & Mayer, Ltd.

Attorneys for Opposer

312-616-5700

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that a copy of the attached Motion To Amend Application, And Contingent Withdrawal Of Opposition was electronically filed with the Trademark Trial and Appeal Board's "Electronic System for Trademark Trademark Trials and Appeals ("ESTTA") on the date shown below:

Dated: September 12, 2007



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Kevin C. Parks

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the attached Motion To Amend Application, And Contingent Withdrawal Of Opposition was served on Applicant by email to bluefin@sbcglobal.net on the date shown below:

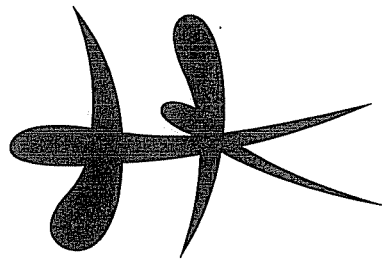
Dated: September 12, 2007



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Kevin C. Parks

**EXHIBIT A**



**EXHIBIT B**

High Kick Marketing

TTAB



MEMO

August 21, 2007

To: U.S. Trademark Trial & Appeal Board

Fr: Glenn Dietz  
President

78974 983

Re: Proceeding No. 91177971  
Notice of Opposition

To whom it may concern:

This note is written in response to the email notification as of August 20, 2007 from the USPTO Trademark Trial and Appeal Board from Angela Campbell.

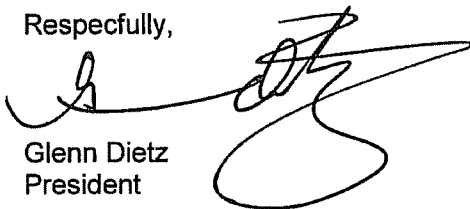
Glenn Dietz, President of Bluefin Holding Co. did not respond to the initial request by the USPTO because he was talking directly to Nike's council on this matter. He was told through Kevin Parks, of Leydig, Voit, Mayer, Ltd., one of Nike's councils, that they had let the USPTO know through corespondence that both parties were in mutual conversation about the Trademark and that these conversations were cordial and that Nike would allow a continuance until August 31, 2007 to come to a meeting of the minds.

At this point both Nike and Bluefin Holding Co. have come to an agreement on the trademark whereby Bluefin Holding Co. has slightly modified their "HK" logo so as not to infringe on the stylized "Swoosh" mark that Nike uses. That agreement has been signed by both parties as of August 16, 2007.

We respectfully request that this case not be in default and that the USPTO review the slightly modified mark and render their decision based on the modifications and agreement between Nike and Bluefin Holding Co., and their "HK" mark.

Thank you for your consideration,

Respectfully,



Glenn Dietz  
President



08-23-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72