

ESTTA Tracking number: **ESTTA374385**

Filing date: **10/21/2010**

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

Proceeding	91190528
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company; Angels Baseball LP;and Atlanta National League Baseball Club, Inc.
Correspondence Address	JANE SHIH COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES jss@cll.com, trademark@cll.com
Submission	Other Motions/Papers
Filer's Name	Carissa Alden
Filer's e-mail	cla@cll.com, trademark@cll.com
Signature	/Carissa Alden/
Date	10/21/2010
Attachments	A (Arxpo) motion of 10-21-10.pdf (3 pages)(85466 bytes)

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

In re Application Serial No. 77/314,710
 Filed: October 26, 2007
 For Mark: A
 Published in the Official Gazette: December 9, 2008

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ATHLETICS INVESTMENT GROUP LLC	:	
D/B/A THE OAKLAND ATHLETICS BASEBALL	:	
COMPANY, ANGELS BASEBALL LP,	:	
ATLANTA NATIONAL LEAGUE BASEBALL	:	
CLUB, INC.,	:	
	:	Consolidated
Opposers,	:	Opposition No. 91190528
	:	
v.	:	
	:	
ARXPO INTERNATIONAL, INC.,	:	
Applicant.	:	
	:	
-----X		

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

**MOTION ON CONSENT TO AMEND APPLICATION AND,
IF ACCEPTED, TO WITHDRAW THE OPPOSITION ON CONSENT**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant respectfully requests that the above-captioned application be amended by:

- (a) amending the mark from the standard character form to the stylized form shown on the attached substitute Drawing Page and replacing the current drawing page with the substitute Drawing Page attached hereto showing the mark A (Stylized); and
- (b) adding the bolded language “; all the foregoing not relating to sports or a sports team” to the end of the description of goods, which should now read:

JEWELRY, WATCHES AND SMALL JEWELRY; ALL THE FOREGOING NOT RELATING TO SPORTS OR A SPORTS TEAM in International Class 14

It is respectfully submitted that the amendment to the description of goods does not require republication as the amendment narrows rather than broadens the scope of the application. Further, the amendment to the drawing also narrows rather than broadens the scope of the application and does not materially alter the mark.

These amendments are made pursuant to an Agreement between Applicant and Opposers, who have consented to the amendments. If all of the amendments are approved by the Board, Opposers, with Applicant's consent, request that the opposition be withdrawn without prejudice.


CONCLUSION

Applicant respectfully requests that this request to amend the application be granted in its entirety.

Dated: Oct. 20, 2010

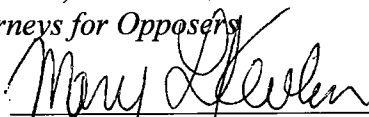
Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & ME
Attorneys for Applicant

By: 
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CONSENTED TO:

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: 
Mary L. Kevlin, Esq.
Jane Shih, Esq.
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

APPLICANT: Arxpo International Inc.
a New York Corporation

ADDRESS: 27-55 Jackson Avenue
Long Island City, NY 11101

FIRST USE: June 15, 1988

IN COMMERCE: June 15, 1988

GOODS/SERVICES: Jewelry, watches and small jewelry; all the foregoing not
relating to sports or a sports team

DESCRIPTION OF MARK: The mark consists of the stylized letter A.

A