

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

WINTER/am

Mailed: August 5, 2013

Opposition No. 91191449

Angels Baseball LP, Atlanta
National League Baseball
Club, Inc., Athletics
Investment Group LLC dba The
Oakland Athletics Baseball
Company, AZPB Limited
Partnership and Houston
Astros, LLC

v.

Accor

and

Opposition No. 91204245

Angels Baseball LP, Atlanta
National League Baseball
Club, Inc., AZPB Limited
Partnership and Houston
Astros, LLC

v.

Accor

On July 15, 2013, opposer filed applicant's proposed amendment to its application Serial Nos. 77353941 and 85001086, with opposer's consent, and opposer's withdrawal

without prejudice of the oppositions, contingent upon entry of the amendments.

By the proposed amendments, applicant seeks to change the identification of goods and services as follows (additions in bold type):

Serial No. 77353941

Class 9

From: "Magnetic cards, optical cards, smart cards or integrated circuit cards with or without radio frequency or infrared contact, disposable or refillable, these cards being prepaid or postpaid, containing one or several electronic purses valid for physical access control, access control to computer systems or control of loyalty cards"

To: "Magnetic cards, optical cards, smart cards or integrated circuit cards with or without radio frequency or infrared contact, disposable or refillable, these cards being prepaid or postpaid, containing one or several electronic purses valid for physical access control, access control to computer systems or control of loyalty cards; **all of the foregoing not relating to sports or sports themes or sports teams, leagues, mascots or stadiums.**"

Class 35

From: "Advertising; business management; business management assistance; business management and organization consultancy; bill- posting, namely, bill payment services; direct mail advertising; business consultancy and information; sales promotion services by supplying privileged user cards; production of television commercial, promotion and advertising; organization of competitions for commercial and promotional purposes as well as for employee motivation, via a computer communication network; promotional offers, namely, sales promotion for others; arranging and management of commercial operations for building customer loyalty, namely, with the provision of customer loyalty cards; data management, namely, data collection, systemization and management in a computerized file; business administration and commercial management of the reality and quality of business services provided to others,"

To: "Advertising; business management; business management assistance; business management and organization consultancy; bill- posting, namely, bill payment services; direct mail advertising; business consultancy and information; sales promotion services by supplying privileged user cards; production of television commercial, promotion and advertising; organization of competitions for commercial and promotional purposes as well as for employee motivation, via a computer communication network; promotional offers, namely, sales promotion for others; arranging and management of commercial operations for building customer loyalty, namely, with the provision of customer loyalty cards; data management, namely, data collection, systemization and management in a computerized file; business administration and commercial management of the reality and quality of business services provided to others; **all of the foregoing not relating to sports or sports themes or sports teams, leagues, mascots or stadiums."**

Class 36

From: "Arranging payment for the supply of presents and any good and service by issuing, distributing and compensating purchase vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards via a computer network; financial services relating to loyalty cards, namely, providing cash and other rebates for credit card use as part of a customer loyalty program; financial services relating to promotional fidelity coupons, namely, vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards; payment by promotional fidelity coupons, namely, vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards; issuing and financial management by means of payment, namely, of purchase vouchers; issuing of traveller's checks, value coupons,"

To: "Arranging payment for the supply of presents and any good and service by issuing, distributing and compensating purchase vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards via a computer network; financial services relating to loyalty cards, namely, providing cash and other rebates for credit card use as part of a customer loyalty program; financial services relating to promotional fidelity coupons, namely, vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards; payment by promotional fidelity coupons, namely, vouchers, tickets, coupons, stubs, prepaid cards, credit or debit cards; issuing and

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financial management by means of payment, namely, of purchase vouchers; issuing of traveller's checks, value coupons; **all of the foregoing not relating to sports or sports themes or sports teams, leagues, mascots or stadiums.**"

Application Serial No. 85001086

From:

"Customer loyalty services, namely, providing a hotel loyalty program not related to sports or sports themes or sports teams,"

To:

"Customer loyalty services, namely, providing a hotel loyalty program not related to sports or sports themes or sports teams, **leagues, mascots or stadiums.**"

Inasmuch as the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a), and 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, the oppositions are dismissed without prejudice.

***By the Trademark Trial
and Appeal Board***