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

Proceeding	91207909
Party	Plaintiff Third Estate LLC
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Submission	Other Motions/Papers
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Date	02/11/2013
Attachments	TTAB - Motion to Amend - DOPE STAMP'D LOS ANGELES.pdf ( 3 pages ) (64562 bytes )

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

THIRD ESTATE LLC,	)	
	)	
	)	
Opposer,	)	
	)	
	)	
v.	)	Opposition No. 91207909
	)	Ser. No. 85/380,544
	)	Mark: DOPE STAMP'D LOS ANGELES
	)	
CORNERMAN PRODUCTIONS LLC	)	
	)	
	)	
	)	
Applicant.	)	
	)	
	)	

**OPPOSER'S UNCONSENTED MOTION TO AMEND ITS APPLICATION AND REGISTRATION**

Pursuant to 37 C.F.R. § 2.133 and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 514.03, Opposer, Third Estate LLC (“Opposer”) hereby moves the Trademark Trial and Appeal Board (the “Board”) to permit Opposer to amend and more narrowly define the identification of the goods in Opposer’s Registration No. 4075682 (“the Registration”). In particular, Opposer requests that the Board permit Opposer to amend the existing identification of goods found in the Registration by deleting the goods “jackets, coats, wind resistant jackets, shorts” from the current description of goods:

“men's and women's shirts, ~~jackets, coats, wind resistant jackets, shorts, and~~ headwear”

such that the revised description of goods would read as follows:

“men's and women's shirts and headwear”

In support of its Motion, Opposer states as follows:

1. Applicant has given fair notice of the above requested amendment as the proceeding is in its early stages, such that discovery requests have not yet been

- sent or received by either party, such that initial disclosures have not yet been sent or received by either party. Opposer communicated its intent to file the present Amendment and contacted counsel for the Applicant to indicate the Opposer's intent to move forward with the present motion and to ascertain if the present motion would be consented to by the Applicant. As Applicant expressly indicated that they would not consent to the present motion, we here now file the Motion to Amend as an unconsented motion for the Board's consideration.
2. The above requested amendment is in conformity with the Trademark rules, as it clarifies and limits the identification of the goods rather than broaden the identification.
  3. The above requested amendment is supported by and consistent with the evidence that will potentially be produced and presented throughout this proceeding and as such, given the early stage in the proceeding that the present amendment was requested, the Applicant will suffer no prejudice when the Board moves to grant the present Motion to Amend the Opposer's Registration.

Based on the foregoing, Opposer respectfully requests that the Board grant Opposer's present motion under 37 C.F.R. § 2.133 and amend the Registration to include the substitute identification of goods set forth above.

Dated: February 11, 2013

Respectfully submitted,

By:     /evananderson/      
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Attorneys for Opposer  
Third Estate LLC

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **UNCONSENTED MOTION TO AMEND OPPOSER'S REGISTRATION** has been served on Jonathan Bird, counsel for Applicant, on February 11, 2013, via First Class U.S. Mail, postage prepaid to:

Jonathan Bird  
8620 Hollywood Blvd.  
Los Angeles, CA 90069-1416  
United States

By: /evananderson/  
Evan Anderson, Esq.