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Filing date: **07/10/2013**

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

Proceeding	91207937
Party	Plaintiff J. Crew International, Inc., J. Crew Group, Inc.
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Date	07/10/2013
Attachments	Motion to Amend and Cert of Service - JADENCREW.pdf(547199 bytes )

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

In re Application Serial No. 85/321,183  
Filed: May 14, 2011  
For Mark: JADENCREW  
Published in the Official Gazette: May 15, 2012

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J. CREW INTERNATIONAL, INC. :  
and J. CREW GROUP, INC. :  
  
Opposers, : Opposition No. 91207937  
  
v. :  
  
JADEN CREW LLC :  
  
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:

(i) By adding the bolded language “; **all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens**” to the end of the description of goods and services in each class, which should now read:

AUDIO BOOKS IN THE NATURE OF NOVELS; DOWNLOADABLE MP3 FILES, MP3 RECORDINGS, ON-LINE DISCUSSION BOARDS, WEBCASTS, WEBINARS AND PODCASTS FEATURING MUSIC, AUDIO BOOKS IN THE FIELD OF FICTION, AND NEWS BROADCASTS; ELECTRONIC PUBLICATIONS, NAMELY, BOOKS FEATURING FICTIONAL STORIES RECORDED ON COMPUTER MEDIA; MESSENGER BAGS ESPECIALLY ADAPTED FOR HOLDING ELECTRONIC BOOK READERS; **ALL THE FOREGOING RELATING TO FUNDING**

**PROGRAMS DEDICATED TO ASSISTING HOMELESS AND AT-RISK INFANTS, CHILDREN AND TEENS** in International Class 9

(BASED ON USE IN COMMERCE) PLASTIC BRACELETS IN THE NATURE OF JEWELRY(BASED ON INTENT TO USE) BEADS FOR USE IN THE MANUFACTURE OF JEWELRY; BRACELETS; BRACELETS AND JEWELRY FEATURING ELECTRONIC CHIPS FOR ATTRACTING ENERGY TO THE BODY WHEREIN THE ELECTRONIC CHIPS INCREASE IN POWER IN THE PRESENCE OF ELECTROMAGNETIC FIELDS, FOR THE PURPOSE OF RE-BALANCING THE HUMAN ENERGY FIELD; BROACHES; CHARMS; CHARMS FOR COLLAR JEWELRY AND BRACELET; COSTUME JEWELRY; DIAMOND JEWELRY; GEMSTONE JEWELRY; IDENTIFICATION BRACELETS; INEXPENSIVE NON-JEWELRY WATCHES; JEWELRY; JEWELRY AND IMITATION JEWELRY; JEWELRY BOXES; JEWELRY BOXES NOT OF METAL; JEWELRY BOXES OF METAL; JEWELRY BOXES OF PRECIOUS METAL; JEWELRY CASES; JEWELRY CASES NOT OF PRECIOUS METAL; JEWELRY CASKETS; JEWELRY CHAINS; JEWELRY FOR ATTACHMENT TO CLOTHING; JEWELRY PINS FOR USE ON HATS; JEWELRY THAT INCORPORATES TECHNOLOGY FOR REBALANCING THE HUMAN ENERGY FIELD; JEWELRY WATCHES; JEWELRY, NAMELY, DOG TAGS FOR WEAR BY HUMANS FOR DECORATIVE PURPOSES; LEATHER JEWELRY AND ACCESSORY BOXES; WATCHES AND JEWELRY; WOMEN'S JEWELRY; **ALL THE FOREGOING RELATING TO FUNDING PROGRAMS DEDICATED TO ASSISTING HOMELESS AND AT-RISK INFANTS, CHILDREN AND TEENS** in International Class 14

ATHLETIC APPAREL, NAMELY, SHIRTS, PANTS, JACKETS, FOOTWEAR, HATS AND CAPS, ATHLETIC UNIFORMS; BASEBALL CAPS AND HATS; BELTS; BELTS FOR CLOTHING; BELTS MADE OUT OF CLOTH; BOOT ACCESSORIES, NAMELY, FITTED DECORATIVE COVERS FOR BOOTS; BOTTOMS; CLOTHING FOR BABIES, TODDLERS AND CHILDREN, TREATED WITH FIRE AND HEAT RETARDANTS, NAMELY, PAJAMAS, JACKETS, SHIRTS, PANTS, JUMPERS; CLOTHING ITEMS, NAMELY, ADHESIVE POCKETS THAT MAY BE AFFIXED DIRECTLY TO THE BODY AS A DECORATIVE PIECE OF CLOTHING WITH UTILITY; CLOTHING, NAMELY, BASE LAYERS; CLOTHING, NAMELY, HAND-WARMERS; EYESHADES; GLOVES AS CLOTHING; HATS; HEADBANDS FOR CLOTHING; INFANT AND TODDLER ONE PIECE CLOTHING; JACKETS; JERSEYS; LEATHER BELTS; SHORT SETS; SPORTS CAPS AND HATS; TOPS; TRIATHLON CLOTHING, NAMELY, TRIATHLON TIGHTS, TRIATHLON SHORTS, TRIATHLON SINGLET, TRIATHLON SHIRTS, TRIATHLON SUITS; WEARABLE GARMENTS AND CLOTHING, NAMELY, SHIRTS; WOMEN'S CLOTHING, NAMELY, SHIRTS, DRESSES, SKIRTS, BLOUSES; **ALL THE FOREGOING RELATING TO FUNDING PROGRAMS DEDICATED TO ASSISTING HOMELESS AND AT-RISK INFANTS, CHILDREN AND TEENS** in International Class 25

BELT BUCKLES; BELT BUCKLES; BELT BUCKLES NOT OF PRECIOUS METAL; BELT BUCKLES OF PRECIOUS METAL; BELT BUCKLES OF PRECIOUS METALS; **ALL THE FOREGOING RELATING TO FUNDING PROGRAMS DEDICATED TO ASSISTING HOMELESS AND AT-RISK INFANTS, CHILDREN AND TEENS** in International Class 26

ON-LINE WHOLESALE AND RETAIL STORE SERVICES FEATURING BRACELETS, JEWELRY, CLOTHING AND BOOKS; **ALL THE FOREGOING RELATING TO FUNDING PROGRAMS DEDICATED TO ASSISTING HOMELESS AND AT-RISK INFANTS, CHILDREN AND TEENS** in International Class 35

(ii) By: (a) revising the description of the mark to: The colors light blue, grey, black and white are claimed as features of the mark. The mark consists of a crest that is black on the bottom and fades to white towards the top of the crest. Inside the crest is the letter J to the left of the letter M, that sits on top of the letter C. Light blue swirls are displayed behind the crest. Beneath the crest is the word JADENCREW in grey block letters.; and (b) amending the drawing of the mark by deleting the drawing page and substituting in its place the drawing page annexed hereto.

It is respectfully submitted that these amendments do not require republication as: (i) the amendments of the descriptions of goods and services narrow rather than broaden the scope of the application; and (ii) the amendments of the mark are not material alterations of the mark and do not materially alter the overall appearance of the mark so as to create the impression of a different mark than originally applied for.

This amendment is made pursuant to an agreement between Applicant and Opposer, who has consented to this amendment. If the amendment is approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn without prejudice.

### **CONCLUSION**


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

entirety.

Dated: 5/22, 2013

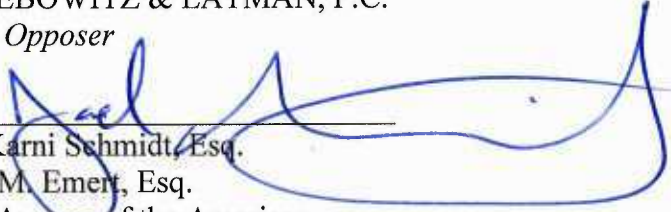
Respectfully submitted,

JADEN CREW LLC  
*Applicant*

By:   
John J. McAweeney  
900 Maplewood Rd  
Lake Forest, Illinois 60045-2418  
847-867-1000

CONSENTED TO:

COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Opposer*

By:   
Joel Karni Schmidt, Esq.  
Aryn M. Emer, Esq.  
1133 Avenue of the Americas  
New York, New York 10036  
212-790-9200

AMENDED DRAWING PAGE

**APPLICANT:** Jaden Crew LLC

**ADDRESS:** 900 Maplewood Rd.  
Lake Forest, Illinois 60045-2418

**FIRST USE:** Intent to Use for Classes 9, 14 (in part), 25, 26 and 35.  
Class 14 (in part): April 1, 2011

**DESCRIPTION:** The colors light blue, grey, black and white are claimed as features of the mark. The mark consists of a crest that is black on the bottom and fades to white towards the top of the crest. Inside the crest is the letter J to the left of the letter M, that sits on top of the letter C. Light blue swirls are displayed behind the crest. Beneath the crest is the word JADENCREW in grey block letters.

**GOODS/SERVICES:**

**Class 9:** audio books in the nature of novels; downloadable mp3 files, mp3 recordings, on-line discussion boards, webcasts, webinars and podcasts featuring music, audio books in the field of fiction, and news broadcasts; electronic publications, namely, books featuring fictional stories recorded on computer media; messenger bags especially adapted for holding electronic book readers; all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens

**Class 14:** (based on use in commerce) plastic bracelets in the nature of jewelry (based on intent to use) beads for use in the manufacture of jewelry; bracelets; bracelets and jewelry featuring electronic chips for attracting energy to the body wherein the electronic chips increase in power in the presence of electromagnetic fields, for the purpose of re-balancing the human energy field; broaches; charms; charms for collar jewelry and bracelet; costume jewelry; diamond jewelry; gemstone jewelry; identification bracelets; inexpensive non-jewelry watches; jewelry; jewelry and imitation jewelry; jewelry boxes; jewelry boxes not of metal; jewelry boxes of metal; jewelry boxes of precious metal; jewelry cases; jewelry cases not of precious metal; jewelry caskets; jewelry chains; jewelry for attachment to clothing; jewelry pins for use on hats; jewelry that incorporates technology for rebalancing the human energy field; jewelry watches; jewelry, namely, dog tags for wear by humans for decorative purposes; leather jewelry and accessory boxes; watches and jewelry; women's jewelry; all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens

**Class 25:** athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; baseball caps and hats; belts; belts for clothing; belts made out of cloth;

boot accessories, namely, fitted decorative covers for boots; bottoms; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; clothing, namely, base layers; clothing, namely, hand-warmers; eyeshades; gloves as clothing; hats; headbands for clothing; infant and toddler one piece clothing; jackets; jerseys; leather belts; short sets; sports caps and hats; tops; triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; wearable garments and clothing, namely, shirts; women's clothing, namely, shirts, dresses, skirts, blouses; all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens

**Class 26:** belt buckles; belt buckles; belt buckles not of precious metal; belt buckles of precious metal; belt buckles of precious metals; all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens

**Class 35:** on-line wholesale and retail store services featuring bracelets, jewelry, clothing and books; all the foregoing relating to funding programs dedicated to assisting homeless and at-risk infants, children and teens



J A D E N C R E W

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 10, 2013 I caused a true and correct copy of the foregoing Motion on Consent to Amend the Application and, if Accepted, to Withdraw the Opposition on Consent, to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, John J. McAweeney, 900 Maplewood Rd., LAKE FOREST, IL 60045-2418

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/Aryn M. Emert/  
Aryn M. Emert