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Filing date: **08/25/2016**

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

Proceeding	91212253
Party	Defendant Empire Resorts, Inc.
Correspondence Address	HOLLY PEKOWSKY AMSTER ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE NEW YORK, NY 10016 UNITED STATES CMACEDO@ARELAW.COM, PTODOCKET@ARELAW.COM
Submission	Other Motions/Papers
Filer's Name	Chester Rothstein
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Signature	/Chester Rothstein/
Date	08/25/2016
Attachments	Certificate_of_Service_Opposition_No_91212253.pdf(108902 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of

*Application Serial No. 85/733,774
of Empire Resorts, Inc.
for the mark ME. (Stylized)
Filed on September 20, 2012*

Published for Opposition on March 5, 2013

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MISS ELAINE, INC.,	:	Opposition No. 91212253
	:	
Opposer,	:	
	:	
v.	:	
	:	
EMPIRE RESORTS, INC.,	:	
	:	
Applicant.	:	

----- x
CERTIFICATE OF SERVICE

Chester Rothstein, the undersigned attorney, hereby certifies that he is one of the attorneys for Applicant in the above captioned proceeding, and that he served copies of the attached Consent to Amendment of Application During Opposition Proceeding and Corrected Consent to Amendment of Application During Opposition Proceeding upon counsel for Opposer by causing a copy thereof to be delivered by e-mail and first class mail, postage prepaid on August 24, 2016, addressed as follows:

EVANS & DIXON LLP
211 N BROADWAY, METROPOLITAN SQUARE
SUITE 2500
ST LOUIS, MO 63102
UNITED STATES
Attn: Cathy J. Futrowsky, Esq.
cfutrowsky@evans-dixon.com

Dated: New York, NY
August 25, 2016

By: 
Chester Rothstein

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

MISS ELAINE, INC.,

Opposer,

v.

Opposition: 91212253
Application: 85/733,774
Mark: ME. (Stylized)

EMPIRE RESORTS, INC.,
Applicant

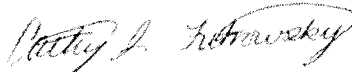
**CONSENT TO AMENDMENT OF APPLICATION
DURING OPPOSITION PROCEEDING**

Opposer, Miss Elaine, Inc., hereby consents to the amendment of Applicant, Empire's U.S. Application Serial No. 85/723,775, with such amendment striking the current recitation of goods in its entirety and substituting therefor the following:

Clothing, namely, shirts, pants, shorts, jackets, footwear, sweat pants, sweat shirts, sweat shorts, warm up suits, jogging suits, swim wear, T-shirts, tank tops, rainwear, generic hats, generic caps and visors, vests, scarves, neckties, head bands and wrist bands, all of the foregoing excluding women's clothing expressly for women, and not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium.

MISS ELAINE, INC.

Date: 8/12/16

BY: 
Cathy J. Futrowsky
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Attorneys for Opposer

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

MISS ELAINE, INC.,

Opposer,

v.

EMPIRE RESORTS, INC.,
Applicant

Opposition: 91212253
Application: 85/733,774
Mark: ME. (Stylized)

CONSENT TO AMENDMENT OF APPLICATION
DURING OPPOSITION PROCEEDING

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U.S. Application Serial No. ~~85/723,775~~ ^{85/733,774} ⁰⁹³ with such amendment striking the current recitation of
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MISS ELAINE, INC.

Date: 8/12/16

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