

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Tdc/DUNN

Mailed: September 25, 2014

Opposition No. 91213027

San Francisco Baseball Associates
LLC

v.

Intellisphere, LLC

By the Trademark Trial and Appeal Board:

On August 27, 2014, applicant filed a proposed amendment to its application Serial No. 85851205, with opposer's consent. It has come to the Board's attention that ESTTA, the Board's electronic system, granted opposer's September 19, 2014 motion to suspend proceedings, before an opportunity arose for consideration of the amendment filed by applicant on August 27, 2014.

By the proposed amendment applicant seeks to change the identification of goods and services as follows:¹

International Class 9:

from "Downloadable electronic publications in the nature of articles, newsletters, monographs, journals, magazines, books, and calendars in the field of medicine and healthcare"

to "Downloadable electronic publications in the nature of articles, newsletters, monographs, journals, magazines, books, and calendars in

¹ The wording in bold-italics is added.

the field of medicine and healthcare; ***all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium***”

International Class 16:

from “Printed publications, namely, magazines, journals, books, articles, newsletters, supplements, and calendars in the fields of medicine and health care”

to “Printed publications, namely, magazines, journals, books, articles, newsletters, supplements, and calendars in the fields of medicine and health care; ***all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium***”

International Class 41:

from “Providing on-line publications in the nature of articles, newsletters, monographs, magazines, journals, books, and calendars in the field of medicine and healthcare; providing a website featuring non-downloadable publications in the nature of articles, newsletters, monographs, magazines, journals, and calendars in the field of medicine and healthcare; Non-downloadable electronic publications in the nature of magazines, articles, newsletters, monographs, journals, and calendars in the field of medicine and healthcare; providing recognition and incentives by way of an annual award to demonstrate excellence in the field of medicine and oncology; providing recognition and incentives by the way of celebrations and awards to demonstrate excellence in the field of medicine and oncology; organizing and conducting awards ceremonies to recognize contributions in the field of medicine and oncology”

to “Providing on-line publications in the nature of articles, newsletters, monographs, magazines, journals, books, and calendars in the field of medicine and healthcare; providing a website featuring non-downloadable publications in the nature of articles, newsletters, monographs, magazines, journals, and calendars in the field of medicine and healthcare; Non-downloadable electronic publications in the nature of magazines, articles, newsletters, monographs, journals, and calendars in the field of medicine and healthcare; providing recognition and incentives by way of an annual award to demonstrate excellence in the field of medicine and oncology; providing recognition and incentives by the way of celebrations and awards to demonstrate excellence in the field of medicine and oncology; organizing and conducting awards ceremonies to recognize contributions in the field of medicine and oncology; ***all the foregoing not***

relating to baseball or softball or to a baseball or softball team, league, mascot or stadium”

International Class 44:

from “providing an internet website portal featuring medical and healthcare information in the form of audio and video interviews”

to “providing an internet website portal featuring medical and healthcare information in the form of audio and video interviews; ***all the foregoing not relating to baseball or softball or to a baseball or softball team, league, mascot or stadium”***

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.