

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Elgin

February 19, 2021

Opposition No. 91233700 (parent)
Opposition No. 91235399
Opposition No. 91235401
Opposition No. 91235535
Opposition No. 91235537
Opposition No. 91235540
Opposition No. 91235542
Opposition No. 91235543

NFL Properties LLC and Houston NFL
Holdings, L.P. *et al.*¹

v.

Joshua F Morell

By the Trademark Trial and Appeal Board:

On November 25, 2020, Opposers filed Applicant's revised proposed amendments to applications Serial Nos. 87134381, 87204417, 87204415, 87227546, 87228015, 87250749, 87250061, and 87259979, with Opposers' consent, and Opposers' withdrawal of Opposition Nos. 91233700, 91235399, 91235401, 91235535, 91235537,

¹ The Opposers in the various consolidated oppositions are: NFL Properties LLC; and Houston NFL Holdings, L.P. (Opposition No. 91233700), New York Football Giants, Inc. (Opposition No. 91235399), Philadelphia Eagles LLC (Opposition No. 91235401), Chicago Bears Football Club, Inc. (Opposition No. 91235535), New England Patriots LLC (Opposition No. 91235537), The Los Angeles Rams, LLC (Opposition No. 91235540), Arizona Cardinals Football Club LLC (Opposition No. 91235542), and New York Jets LLC (Opposition No. 91235543).

91235540, 91235542 and 91235543 with prejudice, contingent upon the Board's acceptance of the proposed amendments.

By the proposed amendments, Applicant seeks to amend the identifications of goods in International Class 25 in each application as follows (proposed added text in bold):

- **Application No. 87134381 (FOR TEXANS USE ONLY):**

From:

Bikinis; Dresses; Hats; Pants; Scarfs; Shirts; Shoes; Socks; Sweat shirts; Sweaters; Swim suits; Tuxedos; Underwear; Camouflage jackets; Denim jackets; Gym pants; Hiking jackets; Hunting jackets; Hunting pants; Rainproof jackets; Ski pants; Smoking jackets; Snowboard jackets; Snowboard pants; Sports jackets; Sports pants; Sweat jackets; Track jackets; Trekking jackets; Yoga pants

To:

Bikinis; Dresses; Hats; Pants; Scarfs; Shirts; Shoes; Socks; Sweat shirts; Sweaters; Swim suits; Tuxedos; Underwear; Camouflage jackets; Denim jackets; Gym pants; Hiking jackets; Hunting jackets; Hunting pants; Rainproof jackets; Ski pants; Smoking jackets; Snowboard jackets; Snowboard pants; Sports jackets; Sports pants; Sweat jackets; Track jackets; Trekking jackets; Yoga pants; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87204417 (GIANTS USE ONLY):**

From:

Bikinis; Bow ties; Dress shirts; Dresses; Hats; Lingerie; Pants; Sandals; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Tuxedos; Underwear; Vests; Athletic shirts; Camouflage jackets; Camouflage shirts; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Knit shirts; Leather jackets; Motorcycle jackets; Night shirts; Polo shirts; Rain jackets; Rainproof jackets; Riding jackets; Safari jackets; Snowboard jackets; Sport shirts; Sports jackets; Sweat shirts; Tee shirts; Track jackets; Wind shirts; Yoga shirts

To:

Bikinis; Bow ties; Dress shirts; Dresses; Hats; Lingerie; Pants; Sandals; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Tuxedos; Underwear; Vests; Athletic shirts; Camouflage jackets; Camouflage shirts; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Knit shirts; Leather jackets; Motorcycle jackets; Night shirts; Polo shirts; Rain jackets; Rainproof jackets; Riding jackets; Safari jackets; Snowboard jackets; Sport shirts; Sports jackets; Sweat shirts; Tee shirts; Track jackets; Wind shirts; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87204415 (EAGLES USE ONLY):**

From:

Beanies; Bikinis; Bow ties; Dress shirts; Dresses; Hats; Lingerie; Pants; Sandals; Shirts; Shoes; Shorts; Socks; Swim suits; Tuxedos; Underwear; Vests; Athletic shirts; Bomber jackets; Camouflage jackets; Camouflage shirts; Denim jackets; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Heavy jackets; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Rugby shirts; Safari jackets; Sleep shirts; Sport shirts; Sports jackets; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Yoga shirts

To:

Beanies; Bikinis; Bow ties; Dress shirts; Dresses; Hats; Lingerie; Pants; Sandals; Shirts; Shoes; Shorts; Socks; Swim suits; Tuxedos; Underwear; Vests; Athletic shirts; Bomber jackets; Camouflage jackets; Camouflage shirts; Denim jackets; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Heavy jackets; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Rugby shirts; Safari jackets; Sleep shirts; Sport shirts; Sports jackets; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87227546 (FOR BEARS USE ONLY):**

From:

Bikinis; Bow ties; Dress shirts; Dresses; Hats; Pants; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear;

Athletic shirts; Camouflage jackets; Camouflage shirts; Denim jackets; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Safari jackets; Ski jackets; Sleep shirts; Snowboard jackets; Sweat jackets; Sweat shirts; Tee shirts; Yoga shirts

To:

Bikinis; Bow ties; Dress shirts; Dresses; Hats; Pants; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Denim jackets; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Safari jackets; Ski jackets; Sleep shirts; Snowboard jackets; Sweat jackets; Sweat shirts; Tee shirts; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87228015 (FOR PATRIOTS USE ONLY):**

From:

Beanies; Bikinis; Dress shirts; Dresses; Gloves; Hats; Lingerie; Pants; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Denim jackets; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Motorcycle jackets; Polo shirts; Rain jackets; Ski jackets; Sport shirts; Sports jackets; Sports shirts; Tee shirts; Track jackets; Yoga shirts

To:

Beanies; Bikinis; Dress shirts; Dresses; Gloves; Hats; Lingerie; Pants; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Denim jackets; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Motorcycle jackets; Polo shirts; Rain jackets; Ski jackets; Sport shirts; Sports jackets; Sports shirts; Tee shirts; Track jackets; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87250749 (RAMS USE ONLY):**

From:

Bikinis; Bow ties; Dresses; Gloves; Hats; Leggings; Pants; Sandals; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Dress shirts; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Rugby shirts; Safari jackets; Snowboard jackets; Sport shirts; Sports jackets; Sports shirts; Sweat shirts; Tee shirts; Track jackets; Yoga shirts

To:

Bikinis; Bow ties; Dresses; Gloves; Hats; Leggings; Pants; Sandals; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Dress shirts; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Rugby shirts; Safari jackets; Snowboard jackets; Sport shirts; Sports jackets; Sports shirts; Sweat shirts; Tee shirts; Track jackets; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87250061 (CARDINALS USE ONLY):**

From:

Bikinis; Bow ties; Dresses; Hats; Leggings; Pants; Sandals; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Bed jackets; Camouflage jackets; Camouflage shirts; Denim jackets; Dress shirts; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Night shirts; Polo shirts; Rain jackets; Safari jackets; Ski jackets; Sports jackets; Sports shirts; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Wind shirts; Yoga shirts

To:

Bikinis; Bow ties; Dresses; Hats; Leggings; Pants; Sandals; Scarfs; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Bed jackets; Camouflage jackets; Camouflage shirts; Denim jackets; Dress shirts; Fabric belts; Fishing shirts; Fur jackets; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets;

Motorcycle jackets; Night shirts; Polo shirts; Rain jackets; Safari jackets; Ski jackets; Sports jackets; Sports shirts; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Wind shirts; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

- **Application No. 87259979 (JETS USE ONLY):**

From:

Beanies; Bikinis; Bow ties; Dress shirts; Dresses; Gloves; Hats; Leggings; Sandals; Scarfs; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Camp shirts; Denim jackets; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Sport shirts; Sports jackets; Sports shirts; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Wind shirts; Yoga shirts

To:

Beanies; Bikinis; Bow ties; Dress shirts; Dresses; Gloves; Hats; Leggings; Sandals; Scarfs; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Suits; Sweaters; Swim suits; Tuxedos; Underwear; Athletic shirts; Camouflage jackets; Camouflage shirts; Camp shirts; Denim jackets; Fabric belts; Fishing shirts; Golf shirts; Hiking jackets; Hunting jackets; Hunting shirts; Leather jackets; Motorcycle jackets; Polo shirts; Rain jackets; Rainproof jackets; Sport shirts; Sports jackets; Sports shirts; Sweat jackets; Sweat shirts; Tee shirts; Track jackets; Trekking jackets; Wind shirts; Yoga shirts; **all of the foregoing not to be used in connection with the National Football League and/or any of its member clubs**

The amendments are limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposers (and in particular, NFL Properties LLC, owner of the NATIONAL FOOTBALL LEAGUE mark) consent thereto, the amendments to Application Serial Nos. 87134381, 87204415, 87228015, 87227546, 87228015, 87250749 are **approved and entered**. See Trademark Rule 2.133(a).

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The contingency in Opposers' withdrawals as to Opposition Nos. 91233700, 91235401, 91235535, 91235537, 91235540, and 91235543, having now been met, the oppositions are dismissed in accordance with the agreement between the parties.

However, Application Serial Nos. 87204417 (GIANTS USE ONLY) and 87250061 (CARDINALS USE ONLY) also are the subject of pending Opposition Nos. 91234398 and 91234405, respectively. If an application or registration is the subject of other inter partes proceedings, the consent of the other parties in each of those other proceedings must be of record before the amendment may be approved. *See Vaughn Russell Candy Co. v. Cookies In Bloom, Inc.*, 47 USPQ2d 1635, 1636 (TTAB 1998) (proposed amendment not approved when no consent from opposers in two other oppositions against the application); *New Orleans La. Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1550-51 (TTAB 2011) (where one application subject to multiple, unrelated oppositions, any amendment to opposed application would have to be made with the consent of all opposers). *See also* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 514.02 (June 2020).

In view of the procedural posture of these proceedings, where the parties have reached settlement and withdrawal of the oppositions is contingent upon entry of the amendments, but the amendments cannot yet be entered because the opposers in Opposition Nos. 91234398 and 91234405 have not consented to the amendment and Applicant has not shown he is entitled to amendment without the consent of such opposers, proceedings in Opposition Nos. 91235399 and 91235542 are **suspended**

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until the proposed amendments can be considered upon final decision in Opposition Nos. 91234398 and 91234405.

The parties are ordered to notify the Board of the final resolution of Opposition Nos. 91234398 and 91234405 so the Board may take appropriate action. The Board file will be maintained in Opposition No. 91235399 as the “parent case.” From this point on, only a single copy of all motions and submissions should be filed in the parent case only, but captioned with the consolidated proceeding numbers and identifying the “parent case” first.

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