

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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GMM/vv

Mailed: March 9, 2018

Opposition No. 91238230

*BA&SH*

*v.*

*Cricket Australia*

**By the Trademark Trial and Appeal Board:**

On February 28, 2018, Applicant filed the parties' stipulation whereby Applicant moves to amend application Serial No. 87297484, with Opposer's consent, and, contingent upon entry of the amendment, the parties stipulate to dismissal of the opposition with prejudice and without entry of judgment.

By the proposed amendment, Applicant seeks to amend the identification of goods in opposed Class 25 and unopposed Class 9 as follows:

**International Class 9**

From: Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank audio and video cassettes; prerecorded audio and video cassettes featuring information about sports and cricket; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, DVDs, and high definition digital discs featuring information about sports and cricket; Recordable compact disks with printable upper surfaces on which text or graphics can be directly printed; Blank CD- ROMs for sound or video recording; Recordable digital video disks with printable upper surfaces on which text or graphics can be directly printed; Video game disc;

Computer game discs; Electronic game software; Game software; Downloadable electronic game software; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer game programs; Interactive game software and programs; Downloadable computer software and mobile application software featuring games, news, live scores, statistics, push notifications and audio-visual content in the field of sports; Games adapted for use with television receivers; Electronic publications, namely, books, magazines, guides, newsletters, coloring books, and game schedules featuring information about sports and cricket recorded on computer media; Downloadable electronic publications in the nature of books, magazines, guides, newsletters, coloring books, and game schedules in the field of sports and cricket; Spectacles; Sunglasses; Eyeglass frames; Protective eyewear; Sporting helmets; Cricket helmets; Sports equipment for cricket, namely, protective helmets, head guards and mouth guards; Protective sports helmet accessories that attach to the helmets, namely, mouth guards, ear pads, throat protectors, chin straps, face masks, jaw pads and eye shields; Mouth, and head guards for athletic use; Downloadable video clips of cricket games via mobile communication devices; Downloadable audio and video recordings featuring, cricket competitions, cricket matches, cricket games, cricket exhibitions, cricket events, cricket entertainment, cricket education, cricket information, cricket awards, cricket coaching, cricket clinics

To: Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank audio and video cassettes; prerecorded audio and video cassettes featuring information about sports and cricket; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, DVDs, and high definition digital discs featuring information about sports and cricket; Recordable compact disks with printable upper surfaces on which text or graphics can be directly printed; Blank CD- ROMs for sound or video recording; Recordable digital video disks with printable upper surfaces on which text or graphics can be directly printed; Video game disc; Computer game discs; Electronic game software; Game software; Downloadable electronic game software; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer game programs; Interactive game software and programs; Downloadable computer software and mobile application software featuring games, news, live

scores, statistics, push notifications and audio-visual content in the field of sports; Games adapted for use with television receivers; Electronic publications, namely, books, magazines, guides, newsletters, coloring books, and game schedules featuring information about sports and cricket recorded on computer media; Downloadable electronic publications in the nature of books, magazines, guides, newsletters, coloring books, and game schedules in the field of sports and cricket; Spectacles **not designed for use in the field of high-end fashion for women**; Sunglasses **not designed for use in the field of high-end fashion for women**; Eyeglass frames **not designed for use in the field of high-end fashion for women**; Protective eyewear; Sporting helmets; Cricket helmets; Sports equipment for cricket, namely, protective helmets, head guards and mouth guards; Protective sports helmet accessories that attach to the helmets, namely, mouth guards, ear pads, throat protectors, chin straps, face masks, jaw pads and eye shields; Mouth, and head guards for athletic use; Downloadable video clips of cricket games via mobile communication devices; Downloadable audio and video recordings featuring, cricket competitions, cricket matches, cricket games, cricket exhibitions, cricket events, cricket entertainment, cricket education, cricket information, cricket awards, cricket coaching, cricket clinics

### **International Class 25**

From: Clothing, namely, tops, bottoms, shirts, knit shirts, jerseys, sleeveless jerseys, pullovers, sleeveless pullovers, tank tops, T-shirts, singlets, dresses, skirts, pants, trousers, sweaters; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Footwear; Headwear; Hats: Sweatbands; Head sweatbands; Baseball caps and hats; Toboggan hats; Hats for infants, babies, toddlers and children; Women's hats and hoods; Cricket uniforms; Cricket training uniforms; Replica cricket uniforms; Sports caps and sports footwear; Aprons; Boxer shorts; Business shirts; Coaches jacket; Gloves; Underwear; G-strings; Hooded sweat shirts; Jackets; Jumper; Long sleeve t-shirt; Parkas; Fleece sweater and sweat shirt; Fleece vest; Polo shirt; Raglan t-shirt; Rugby top; Scarf; Shorts; Singlet; Sleepwear; Socks; Spray jacket, namely, water repellent jacket; Supporter jersey; Sports jerseys; Swim suits; Ties; Track pants; Track top; Foul wet weather gear; Wind jacket; Sweat jackets; Caps being headwear; Coaches shorts; Coaches singlet; Coaches training jacket; Kids jersey; Ladies jersey; Sweat suits; Tracksuit; Training cap; Warm up top; Vests;

Sheepskin boots; Thong sandals; Thong underwear; Bandana; Beanie; Bucket hat; Microfibre bush hat; Straw hat; Sun hat; Visor; Bath robe

To: Clothing, namely, tops, bottoms, shirts, knit shirts, jerseys, sleeveless jerseys, pullovers, sleeveless pullovers, tank tops, T-shirts, singlets, dresses, skirts, pants, trousers, sweaters; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Footwear; Headwear; Hats: Sweatbands; Head sweatbands; Baseball caps and hats; Toboggan hats; Hats for infants, babies, toddlers and children; Women's hats and hoods; Cricket uniforms; Cricket training uniforms; Replica cricket uniforms; Sports caps and sports footwear; Aprons; Boxer shorts; Business shirts; Coaches jacket; Gloves; Underwear; G-strings; Hooded sweat shirts; Jackets; Jumper; Long sleeve t-shirt; Parkas; Fleece sweater and sweat shirt; Fleece vest; Polo shirt; Raglan t-shirt; Rugby top; Scarf; Shorts; Singlet; Sleepwear; Socks; Spray jacket, namely, water repellent jacket; Supporter jersey; Sports jerseys; Swim suits; Ties; Track pants; Track top; Foul wet weather gear; Wind jacket; Sweat jackets; Caps being headwear; Coaches shorts; Coaches singlet; Coaches training jacket; Kids jersey; Ladies jersey; Sweat suits; Tracksuit; Training cap; Warm up top; Vests; Sheepskin boots; Thong sandals; Thong underwear; Bandana; Beanie; Bucket hat; Microfibre bush hat; Straw hat; Sun hat; Visor; Bath robe; **all of the foregoing not related to the field of high-end fashion for women.**

Because the amendment is limiting in nature, as required by Trademark Rule 2.71(a), and because Opposer consents to its entry, the amendment is **approved** and **entered**.<sup>1</sup> See Trademark Rule 2.133(a).

The contingency in the parties' stipulation for dismissal of the opposition having now been met, the opposition is dismissed with prejudice and without entry of judgment, in accordance with the agreement of the parties.

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<sup>1</sup> The amendment does **not** affect the identification of goods and services in International Classes 28, 35, 38, 41, and 42. Those classes of goods and services remain unchanged.