

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
General Email: TTABInfo@uspto.gov

JMM

April 25, 2019

Opposition No. 91239532

Old National Bank

v.

American National Bank of Texas

Concurrent Use No. 94002845

American National Bank of Texas

v.

Old National Bank

By the Trademark Trial and Appeal Board:

On February 22, 2019, American National Bank of Texas (hereafter, CU Applicant) filed an amended consent motion to amend opposed application Serial No. 87315217 from an unrestricted application to a concurrent use application, and to dismiss this opposition proceeding in favor of a concurrent use proceeding.¹

MOTION TO AMEND TO CONCURRENT USE GRANTED

The amended consent motion meets the requirements of Trademark Rule 2.42(b), includes the required verified statement pursuant to Trademark Rules 2.33 and 2.42,

¹ On January 24, 2019, the Board denied without prejudice CU Applicant's January 14, 2019 motion to amend to concurrent use.

and the following concurrent use statement:

Subject to a Concurrent Use Proceeding with Old National Bank, a chartered bank with an address of 1 Main Street, Evansville, Indiana 47708, Applicant claims the exclusive right to use the mark in the area comprising the states of Texas, Louisiana, New Mexico, Oklahoma, California, Arizona, Colorado, Utah, Nevada, Oregon, and Washington.

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Accordingly, CU Applicant's consent motion to amend application Serial No. 87315217 to seek a concurrent use registration is GRANTED.

OPPOSITION DISMISSED IN FAVOR OF A CONCURRENT USE PROCEEDING

Geographic limitations to trademark registrations will be considered and determined by the Trademark Trial and Appeal Board only in the context of a concurrent use proceeding. *See* Trademark Rule 2.133(c). With the consent motion, the parties agree to dismissal of this opposition, and institution of a concurrent use proceeding. *See* Trademark Trial and Appeal Board Manual of Procedure (TBMP) §1113.01 (2019).

Accordingly, the consent motion is granted, and Opposition No. 91239532 is dismissed in favor of a concurrent use proceeding between the parties, which will be instituted in a separate order.