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

Proceeding	91239677
Party	Defendant Kobe Family Entertainment, Inc.
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Date	09/21/2018
Attachments	Canvas City Motion to Amend Application.pdf(152714 bytes)

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

Color Image Apparel, Inc.,

Opposer,

v.

Kobe Family Entertainment, Inc.,

Applicant.

In re Application Serial No. 87/386,378
Mark: CANVAS CITY

Opposition No. 91239677

**APPLICANT KOBE FAMILY ENTERTAINMENT, INC.’S
MOTION TO AMEND APPLICATION**

Pursuant to 37 C.F.R. § 2.133 and § 514 of the Trademark Board Manual of Procedures, Applicant, Kobe Family Entertainment, Inc., (hereinafter “KFE” or “Applicant”), by and through its counsel, Saltz Matkov P.C., hereby respectfully moves the Board to amend the opposed application at issue in the instant case, specifically to remove the identification of goods in International Class (“IC”) 025, in the event that the Board deems such amendment necessary to dismiss the opposition.¹

Applicant’s Trademark Application

Applicant filed Application No. 87/386,378 on March 27, 2017 for the mark CANVAS CITY (“Applicant’s Mark”) for use in connection with the following goods and services:

[a]udio and video recordings featuring sports, adventure programs, biography, comedy, drama, fantasy and adventure programs, history, horror, musical recordings, mystery, romance, science fiction; audiovisual recordings featuring animation; Cases for mobile phones; Computer game software for use on mobile and cellular phones; Decorative magnets; Downloadable electronic game software for use on mobile and cellular phones; Downloadable image file containing artwork, text, audio, video,

¹ The Board may elect to defer its decision on this motion until it considers the overall merits of this Opposition. *See Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1125 (TTAB 1990) (deferring decision on motion to amend identification of goods until final decision).

games and Internet Web links relating to sporting and cultural activities; Protective covers and cases for tablet computers

in IC 009;

[b]each towels; Bed blankets; Blanket throws; Towels; Beach towels

in IC 024;

[a]thletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shorts; Baseball caps and hats; Beanies; Cap peaks; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing, namely, athletic sleeves; Fleece pullovers; Graphic T-shirts; Headbands; Hooded pullovers; Hooded sweat shirts; Jackets; Jerseys; Knitted caps; Long-sleeved shirts; Long sleeve pullovers; Moisture-wicking sports shirts; Pullovers; Shirts for infants, babies, toddlers and children; Short-sleeved or long-sleeved t-shirts; Sweatpants; Sweatshirts; Tank tops; Warm up suits; Wristbands; Children's and infants' cloth bibs; Sleeveless jerseys; Sports jerseys; Track jackets

in IC 025;

[e]ducational and entertainment services, namely, a continuing program about sports, action, adventure, animation, biography, comedy, crime, documentary, drama, fantasy, history, horror, musical, mystery, romance, science fiction accessible by means of satellite, television, cable television, internet, web-based applications, mobile phone applications, computer networks, wireless networks, audio, video; Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing a web site featuring photographic, video and prose presentations featuring sports, action, adventure, animation, biography, comedy, crime, documentary, drama, fantasy, history, horror, musical, mystery, romance, science fiction; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Production and distribution of motion pictures; Providing information in the field of entertainment, featuring animation rendered by means of a global computer network; Providing a website featuring entertainment information in the field(s) of sports, action, adventure, animation, biography, comedy, crime, documentary, drama, fantasy, history, horror, musical, mystery, romance, science fiction

in IC 041; and

[o]n-line social networking services

in IC 045.

Applicant requests that the filed-for goods in IC 025 be removed from Applicant's Mark. As grounds for this motion, Applicant states that the proposed amendment to remove IC 025 in its entirety accurately conveys the goods and services that Applicant offers and intends to offer in conjunction with the mark CANVAS CITY, which is the subject of the application at issue in this matter. Moreover, in compliance with 37 C.F.R. § 2.71(a), the proposed amendment serves to clarify and limit but in no way broaden the identification of goods and services.

WHEREFORE, Applicant respectfully requests the Board to amend the opposed application in the manner described above.

Dated: September 21, 2018

Respectfully submitted,

By: /s/Matthew D. Matkov
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CERTIFICATE OF SERVICE

I do hereby certify that this 21st day of September 2018, pursuant to 37 C.F.R. § 2.119(a), I caused a true and correct copy of the foregoing Motion to Amend Application of Applicant Kobe Family Entertainment, Inc. to be served via email upon the following:

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