UNITED STATES PATENT AND TRADEMARK OFFICE
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dav/JMM/DUNN

March 15, 2019

Opposition No. 91244295

George B. Guy

v.

Buddy Film S.r.l.

By the Trademark Trial and Appeal Board:

On January 28, 2019, Opposer filed the parties' stipulated motion to amend Classes 35 and 41 of application Serial No. 87484681, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.[1]

The notice of opposition was filed only against International Class 41, and only that class is subject to the Board's jurisdiction. Applicant was free to file a post-publication amendment with respect to International Class 35, and does not require Opposer's consent to amend those services. However, because the amendment to International Class 35 services presumably is part of the parties' settlement agreement, and because the Board applies the same standard for amendment as

[1] The better practice would be to request withdrawal in the body of the motion and not just in the title.

Trademark examination, as a service to the parties, the Board will act upon the amendment in both classes.

By the proposed amendment, Applicant seeks to amend the identification of Class 35 goods and services as follows: [2]

> **From:** Production of advertising films; production of television commercials; dissemination of advertising for others via the Internet; production ~~and distribution~~ of radio and television commercials; **all of the foregoing excluding music videos**
>
> **To:** Production of advertising films; production of television commercials; dissemination of advertising for others via the Internet; production of radio and television commercials; all of the foregoing excluding music videos.

By the proposed amendment, Applicant seeks to amend the identification of Class 41 goods and services:

> **From:** Multimedia entertainment services in the nature of recording, production and post-production services in the fields of ~~music,~~ **corporate** video~~s;~~ and films, **other than music videos or films relating to musicians or music;** entertainment services in the nature of development, creation, production, distribution, and post-production of motion pictures, television shows, ~~music video,~~ digital video **other than music videos,** ~~sound recordings,~~ animations, **excluding music videos and films relating to musicians or music;** distribution of motion picture films **excluding films relating to musicians or music;** motion picture film production **excluding films relating to musicians or music;** editing of ~~radio and~~ television programmes; film editing; ~~recording studio services~~ postproduction editing services in the field of ~~music,~~ video and film other **than music videos;** ~~music video production for distribution by others;~~ animation production services **excluding music videos**
>
> **To:** Multimedia entertainment services in the nature of recording, production and post-production services in the fields of corporate video and films, other than music videos or films relating to musicians or music; entertainment services in the nature of development, creation, production, distribution, and post-production

[2] Proposed deletions are shown in strikethrough and proposed additions are set out in bold.

> of motion pictures, television shows, digital video other than music videos, animations, excluding music videos and films relating to musicians or music; distribution of motion picture films excluding films relating to musicians or music; motion picture film production excluding films relating to musicians or music; editing of television programmes; film editing; postproduction editing services in the field of video and film other than music videos; animation production services excluding music videos.

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