

UNITED STATES PATENT AND TRADEMARK OFFICE
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ey/wbc

June 2, 2020

Opposition No. 91250600

Houston Astros, LLC

v.

Vulcan Inc.

By the Trademark Trial and Appeal Board:

On May 13, 2020, Applicant filed a proposed amendment to application Serial No. 88034214 with Opposer's consent, and Opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the recitation of services in International Classes 35, 41 and 43 as follows (proposed additions are shown in bold font):

International Class 35

From: Retail store services featuring art

To: Retail store services featuring art **not relating to sports or a sports team, league, mascot or stadium**

International Class 41

From: Art gallery services, namely, art exhibits; Art gallery services, namely, providing educational seminars, workshops and classes in the field of art; Rental of facilities and equipment for the production of radio and television programs, musicals and theatrical production, namely, performance venues, studios, sets, dressing rooms; Providing facilities

for producing video, cinema and photography productions; rental of facilities and equipment for production of radio and television programs; music production services; video production services; Media production services, namely, video and film production; film and video production consulting services; On-line journals, namely, blogs featuring entertainment news and ideas about and for the creative community

To: Art gallery services, namely, art exhibits; Art gallery services, namely, providing educational seminars, workshops and classes in the field of art; Rental of facilities and equipment for the production of radio and television programs, musicals and theatrical production, namely, performance venues, studios, sets, dressing rooms; Providing facilities for producing video, cinema and photography productions; rental of facilities and equipment for production of radio and television programs; music production services; video production services; Media production services, namely, video and film production; film and video production consulting services; On-line journals, namely, blogs featuring entertainment news and ideas about and for the creative community; **all the foregoing not relating to sports or a sports team, league, mascot or stadium**

International Class 43

From: Provision of conference, exhibition and meeting facilities; Hotel services; Catering services; Restaurant services; Bar services; Bar and cocktail lounge services; restaurant and catering services; Providing social meeting, banquet and social function facilities

To: Provision of conference, exhibition and meeting facilities; Hotel services; Catering services; Restaurant services; Bar services; Bar and cocktail lounge services; restaurant and catering services; Providing social meeting, banquet and social function facilities; **all the foregoing not relating to sports or a sports team, league, mascot or stadium.**

The amendment is 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 with prejudice.