

ESTTA Tracking number: **ESTTA1026553**

Filing date: **01/03/2020**

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

Proceeding	91251749
Party	Defendant Xiaodong Tang
Correspondence Address	AMY C ZIEGLER GREER BURNS & CRAIN LTD 300 SOUTH WACKER DRIVE, SUITE 2500 CHICAGO, IL 60606 UNITED STATES tmdocket@gbclaw.net, tproehl@gbclaw.net 312-360-0080
Submission	Motion to Amend Application
Filer's Name	Allyson M. Martin
Filer's email	amartin@gbc.law, tmdocket@gbc.law
Signature	/Allyson M. Martin/
Date	01/03/2020
Attachments	Amended Motion to Amend Application.pdf(152636 bytes )

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

In the Matter of Application Serial No.:	)	
79/240,902	)	
	)	
For the mark – BEARCREEKS BORN TO BE FREE	)	
	)	
Bear U.S.A., Inc.,	)	Opposition No.: 91251749
	)	
Opposer,	)	
	)	
v.	)	
	)	
Xiaodong Tang,	)	
	)	
Applicant.	)	
	)	
	)	
Columbia Insurance Company,	)	
	)	Opposition No. 91249419
Opposer,	)	
	)	
v.	)	
	)	
Xiaodong Tang,	)	
	)	
Applicant.	)	

**AMENDED MOTION TO AMEND APPLICATION AND CONDITIONAL  
STIPULATED WITHDRAWAL OF OPPOSITION WITH PREJUDICE**

Applicant, Xiaodong Tang, (“Applicant”) hereby submits this Motion requesting the deletion of “headgear, namely hats; clothing, namely t-shirts, jackets, pants, shorts, socks, gloves; Footwear” listed in International Class 25. If the request is being granted, International Class 25 will be removed from Application Serial No. 79/240,902 in its entirety.

Opposer Bear U.S.A., Inc. in Opposition No. 91251749 and Opposer Columbia Insurance Company in Opposition No. 91249419 have both consented to the above amendment of Application Serial No. 79/240,902.

Applicant's request for deletion of "headgear, namely hats; clothing, namely t-shirts, jackets, pants, shorts, socks, gloves; Footwear" listed in International Class 25 in this Motion supersedes Applicant's previous request to amend the identification of goods in Opposition No. 91249419 submitted October 28, 2019.

Conditioned upon the approval and entry of the above amendment, Opposer Bear U.S.A., Inc. withdraws its Notice of Opposition in Opposition No. 91251749 with prejudice. Applicant, through its counsel, hereby provides its express written consent to the withdrawal.

Conditioned upon the approval and entry of the above amendment, Opposer Columbia Insurance Company withdraws its Notice of Opposition in Opposition No. 91249419 with prejudice. Applicant, through its counsel, hereby provides its express written consent to the withdrawal.

Additionally, the Parties request that all of the dates in the proceedings for Opposition Nos. 91251749 and 91249419, including discovery and trial dates, be suspended by the Board pending the disposition of the present Motion.

Respectfully submitted,

Date: 1/3, <sup>2020</sup>~~2019~~

**Xiaodong Tang**

By

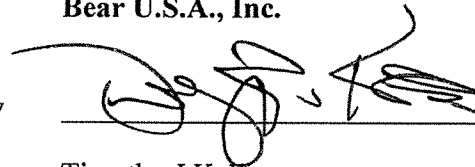


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*Attorneys for Applicant*

Date: 12/22, 2019

**Bear U.S.A., Inc.**

By

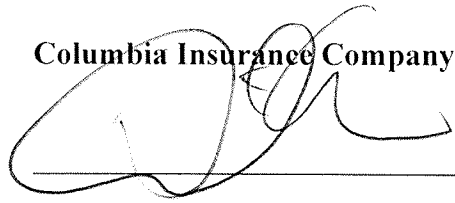


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*Attorney for Opposer*

Date: 1/2, 20~~19~~<sup>20</sup>

**Columbia Insurance Company**

By



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David Chen  
IP Attorneys Group LLC  
16 Oxford Road  
Milford, CT 06460  
*Attorney for Opposer*

**CERTIFICATE OF TRANSMISSION AND SERVICE**

The undersigned attorney hereby certifies that the foregoing has been electronically submitted to the United States Trademark Trial and Appeal Board by uploading a copy of this AMENDED MOTION TO AMEND APPLICATION AND CONDITIONAL STIPULATED WITHDRAWAL OF OPPOSITION WITH PREJUDICE via ESTTA. Additionally, courtesy copies of the foregoing are being served on the attorneys of record for Opposer Bear U.S.A., Inc. and Opposer Columbia Insurance Company by emailing copies thereof to


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on this 3<sup>rd</sup> day of January 2020.

  
Allyson Martin  
Attorney for Applicant