

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ey/RSC

August 12, 2021

Opposition No. 91268101

*Brooks Sports, Inc.*

*v.*

*Marshawn Lynch*

**By the Trademark Trial and Appeal Board:**

On July 23, 2021, Applicant filed a proposed amendment to its application Serial No. 86975129, with Opposer's consent.

The notice of opposition was filed only against "footwear, namely, athletic footwear, running shoes, training shoes, sneakers" in International Class 25, and "running gloves" in International Class 28.<sup>1</sup> By the proposed amendment, Applicant seeks to amend the identification of goods in International Classes 25 and 28 to remove the opposed goods, as follows:<sup>2</sup>

**International Class 25**

From: Men's, women's and children's clothing, namely, tops, tank tops, pants, shorts, long-sleeved shirts, polo shirts, short-sleeved shirts, sweat pants and socks; full line of athletic clothing, namely, jackets, pull-overs, sports jerseys, moisture-wicking sports pants, moisture-wicking sports shirts, base layer bottoms, base layer tops, athletic uniforms, baseball uniforms; wristbands, sweat bands; ~~footwear, namely, athletic footwear,~~

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<sup>1</sup> 1 TTABVUE 1, 4 at ¶ 8.

<sup>2</sup> Proposed wording to be deleted is shown in strikethrough.

~~running shoes, training shoes, sneakers,~~ football shoes, football cleats, baseball shoes and baseball cleats; headwear, namely, headbands, baseball caps, skull caps and beanies

To: Men's, women's and children's clothing, namely, tops, tank tops, pants, shorts, long-sleeved shirts, polo shirts, short-sleeved shirts, sweat pants and socks; full line of athletic clothing, namely, jackets, pull-overs, sports jerseys, moisture-wicking sports pants, moisture-wicking sports shirts, base layer bottoms, base layer tops, athletic uniforms, baseball uniforms; wristbands, sweat bands; football shoes, football cleats, baseball shoes and baseball cleats; headwear, namely, headbands, baseball caps, skull caps and beanies

### **International Class 28**

From: Football gloves, baseball gloves, ~~running gloves~~

To: Football gloves, baseball gloves

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).

If the amendment resolves this proceeding, Opposer is allowed until **thirty days** from the date of this order to file a withdrawal of the opposition, failing which the opposition will be dismissed as moot, and the application will be forwarded for issuance of a registration.

Proceedings are otherwise **suspended**.