

ESTTA Tracking number: **ESTTA1154213**

Filing date: **08/19/2021**

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

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| Proceeding | 91269200 |
| Party | Defendant Rutgers, The State University of New Jersey |
| Correspondence Address | PAUL H. KOCHANSKI LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 20 COMMERCE DRIVE CRANFORD, NJ 07016 UNITED STATES Primary Email: trademarkadmin@lernerdavid.com 908-654-5000 |
| Submission | Motion to Amend Application |
| Filer's Name | Paul H. Kochanski |
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| Signature | /Paul H. Kochanski/ |
| Date | 08/19/2021 |
| Attachments | MotiononConsent-8-19-21.pdf(918392 bytes) |

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

In the matter of Trademark Application Serial No. 88/796,310 CHOP filed on February 13, 2020,
and published in the Official Gazette on November 10, 2020

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|----------------------------------|---|-------------------------|
| THE CHILDREN'S HOSPITAL OF | : | |
| PHILADELPHIA, | : | |
| | : | |
| Opposer, | : | Opposition No. 91269200 |
| | : | |
| v. | : | |
| | : | |
| RUTGERS, THE STATE UNIVERSITY OF | : | |
| NEW JERSEY, | : | |
| | : | |
| Applicant. | : | x |

**MOTION ON CONSENT TO AMEND APPLICATION, AND IF
ACCEPTED, TO DISMISS THE OPPOSITION PROCEEDING**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant, Rutgers, The State University of New Jersey, respectfully requests that the following amendment to the application, which is the subject of this proceeding be accepted, and if accepted by the Board, the Opposition proceeding with respect to Ser. No. 88/796,310 be dismissed without prejudice.

With respect to Ser. No. 88/796,310, Applicant, Rutgers, The State University of New Jersey, respectfully requests that such application be amended by deleting the present recitation of goods in International Class 25 and substitute the following:

-- Sportswear, namely, shirts, hats, jackets, sweaters, shorts, sweatshirts and sweatpants; clothing, namely, shirts, hats, jackets, sweaters, shorts, scarves, sweatshirts and sweatpants; all of the foregoing offered and sold in connection with college sports in the field of football in International Class 25. --

Applicant respectfully requests that the recitation of services set forth in International Class 41 in the same application is not being amended, but is being maintained as found in the present application.

CONSENTED TO:

BALLARD SPAHR LLP

Attorneys for Opposer

The Children's Hospital of Philadelphia

By: /Jessica H. Watkins/
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **MOTION ON CONSENT TO AMEND APPLICATION, AND IF ACCEPTED, TO DISMISS THE OPPOSITION PROCEEDING** was served upon Opposer's representative

VIA E-MAIL on August 19, 2021, as follows:

Jessica H. Watkins, Esq.
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
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/Paul H. Kochanski/

Paul H. Kochanski

EXHIBIT A

Sportswear, namely, shirts, hats, jackets, sweaters, shorts, sweatshirts and sweatpants; clothing, namely, shirts, hats, jackets, sweaters, shorts, scarves, sweatshirts and sweatpants; [all of the foregoing offered and sold in connection with college sports in the field of football](#) in International Class 25

EXHIBIT B

Sportswear, namely, shirts, hats, jackets, sweaters, shorts, sweatshirts and sweatpants; clothing, namely, shirts, hats, jackets, sweaters, shorts, scarves, sweatshirts and sweatpants; all of the foregoing offered and sold in connection with college sports in the field of football in International Class 25