

UNITED STATES PATENT AND TRADEMARK OFFICE  
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lh/KGC

March 9, 2022

Opposition No. 91272095

*Wynn Resorts Holdings, LLC*

*v.*

*EL Unmarked Exit, LLC*

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

On January 31, 2022, Applicant filed a proposed amendment to application Serial No. 90052931, with Opposer's consent (8 TTABVUE), and on February 10, 2022, Opposer filed a withdrawal without prejudice of the opposition, contingent upon entry of the amendment (9 TTABVUE).

By the proposed amendment, Applicant seeks to amend the identification of goods and services as follows (additions are in bold font).

FROM

Class 9: Downloadable audio and video recordings featuring prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements

Class 38: Streaming of audio and video content featuring live and prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements on the internet

Class 41: Entertainment services in the nature of organizing and arranging events featuring live and pre-recorded musical performances viewed on a

drive-in theater screen; Online entertainment services in the nature of providing online, non-downloadable audio and video recordings featuring live and prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements

TO

Class 9: Downloadable audio and video recordings featuring prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements, **none of the foregoing goods relating to or promoting casino, gaming, resort, or hotel services**

Class 38: Streaming of audio and video content featuring live and prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements on the internet, **none of the foregoing services relating to or promoting casino, gaming, resort, or hotel services**

Class 41: Entertainment services in the nature of organizing and arranging events featuring live and pre-recorded musical performances viewed on a drive-in theater screen; Online entertainment services in the nature of providing online, non-downloadable audio and video recordings featuring live and prerecorded concerts, sporting events, comedy shows, faith based events, and motivational speaking engagements, **none of the foregoing services relating to or promoting casino, gaming, resort, or hotel services**

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 without prejudice.