

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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nmt/KGC

October 11, 2022

Opposition No. 91277582

Freestyle Brands, LLC

v.

Alexander Barnett and Hagen Brüggemann

Kevin G. Crennan, Interlocutory Attorney:

On October 3, 2022, Applicants filed a proposed amendment to their application Serial No. 79316198, with Opposer's consent. 6 TTABVUE.

By the proposed amendment, Applicants seek to amend the recitation of services in International Class 35 as follows (deletions shown in strike-through).¹

FROM

Retail store services featuring recorded content in the nature of pre-recorded and downloadable music, movies and video, software, downloadable software, computer software, software applications for computers, tablet computers, televisions and smartphones, downloadable electronic publications, downloadable electronic publications in relation to puppets, animation cartoons, entertainment, audio, video and multimedia production and photography; retail store services featuring game software, blog software, virtual and augmented reality software, downloadable media files, downloadable videos, digital music, downloadable podcasts, ringtones, digital

¹ The only services subject to this opposition are "retail store services featuring time instruments, watches; online retail store services featuring time instruments, watches" in International Class 35. The remaining services in that class as well as the goods and services in the other classes are unopposed and unchanged.

photos, postcards, printable planners and organizers, printing fonts, computer graphics, electronic books, educational media in the nature of audio files, electronic brochures, electronic newspapers, electronic newsletters, pre-recorded videos, downloadable electronic files in the field of entertainment, namely, ringtones, graphics, images and music via a global network, and wireless devices, audio books, audio recordings, video discs featuring animated cartoons and films, digital recording media in the nature of videotape recorders, multi-media audio recordings, music recordings, digital media, namely, downloadable audio and video recordings, recording discs, pre-recorded CDs and DVDs, downloadable interactive DVDs, CDs, and blank digital storage media, apparatus for recording, transmission or reproduction of sound or images, data processing equipment and accessories, telecommunications equipment, multimedia devices, headphones, decorative magnets, leather and leatherette cases for mobile phones and tablet PCs, covers for mobile phones and tablet PCs, spectacles and sunglasses, works of art and figurines of paper and cardboard, and architects' models, printed matter, printed matter in relation to puppets, animation cartoons, entertainment, audio, video and multimedia production and photography, printed publications, magazines, books, comic books, newsletters, postcards, trivia cards, photographs, memo pads, sketchbooks, address books, date books, diaries, posters, book covers, calendars, greeting cards, occasion cards, holiday cards, wall calendars, gift cards, gift tags, stickers, notebooks, pens, pencils, pencil cases, writing implements, labels, book marks, decorative transfers, paper and cardboard, napkins, self-adhesive paper stickers, paper or plastic packaging materials, bags, packets in the nature of envelopes and bags for packaging, gift wrap, gift packaging, gift bags, gift paper envelopes, art prints, pictures, drawings, etchings, calligraphic works, graphic art prints, household and kitchen utensils and containers, oven gloves, chinaware, glassware, porcelain, earthenware, decorative china, tableware, pottery, crystal, crockery, cups, mugs, bowls, dishes, plates, coasters, figurines, statues and statuettes, glass figures, pet feeding and drinking bowls, jewelry, key rings, key chains, precious charms, ~~time instruments, watches~~, luggage, bags, shopping bags, rucksacks, back packs, sports bags, duffel bags, gym bags, tote bags, hand bags, satchels, coin purses, wallets, purses, umbrellas, umbrella covers, credit card holders, luggage label holders, parasols, bed linens, home furnishings, lamps, beds, bedding, mattresses, pillows and cushions, bed linen and blankets, bed sheets, duvet covers, foods, drinks, clothing, footwear, headwear, t-shirts, sportswear, outerwear, leisure wear, toys, games, playthings, novelty masks, plush toys, board games, card games, puzzles, electronic games, party games, quiz games, video game apparatus, plastic toys, toy figures, toy models, toy modelling dough, toy figures attachable to mobile phones, pencils or key rings; online retail store services featuring recorded content in the nature of pre-recorded and downloadable music, movies and video, software, downloadable software, computer software, software applications for computers, tablet

computers, televisions and smartphones, downloadable electronic publications, downloadable electronic publications in relation to puppets, animation cartoons, entertainment, audio, video and multimedia production and photography; online retail store services featuring game software, blog software, virtual and augmented reality software, downloadable media files, downloadable videos, digital music, downloadable podcasts, ringtones, digital photos, postcards, printable planners and organizers, printing fonts, computer graphics, electronic books, educational media in the nature of audio files, electronic brochures, electronic newspapers, electronic newsletters, pre-recorded videos, downloadable electronic files in the field of entertainment, namely, ringtones, graphics, images and music via a global network, and wireless devices, audio books, audio recordings, video discs featuring animated cartoons and films, digital recording media in the nature of videotape recorders, multi-media audio recordings, music recordings, digital media, namely, downloadable audio and video recordings, recording discs, pre-recorded CDs and DVDs, downloadable interactive DVDs, CDs, and blank digital storage media, telecommunications equipment, multimedia devices, headphones, decorative magnets, leather and leatherette cases for mobile phones and tablet PCs, covers for mobile phones and tablet PCs, spectacles and sunglasses, works of art and figurines of paper and cardboard, and architects' models, printed matter, printed matter in relation to puppets, animation cartoons, entertainment, audio, video and multimedia production and photography, printed publications, magazines, books, comic books, newsletters, postcards, trivia cards, photographs, memo pads, sketchbooks, address books, date books, diaries, posters, book covers, calendars, greeting cards, occasion cards, holiday cards, wall calendars, gift cards, gift tags, stickers, notebooks, pens, pencils, pencil cases, writing implements, labels, book marks, decorative transfers, plastic materials for packaging, paper and cardboard, napkins, self-adhesive paper stickers, paper or plastic packaging materials, bags, packets in the nature of envelopes and bags for packaging, gift wrap, gift packaging, gift bags, gift paper envelopes, art prints, pictures, drawings, etchings, calligraphic works, graphic art prints, household and kitchen utensils and containers, oven gloves, chinaware, glassware, porcelain, earthenware, decorative china, tableware, pottery, crystal, crockery, cups, mugs, bowls, dishes, plates, coasters, figurines, statues and statuettes, glass figures, pet feeding and drinking bowls, jewelry, key rings, key chains, precious charms, ~~time instruments, watches~~, luggage, bags, shopping bags, rucksacks, back packs, sports bags, duffel bags, gym bags, tote bags, hand bags, satchels, coin purses, wallets, purses, umbrellas, umbrella covers, credit card holders, luggage label holders, parasols, bed linens, home furnishings, lamps, beds, bedding, mattresses, pillows and cushions, bed linen and blankets, bed sheets, duvet covers, foods, drinks, clothing, footwear, headwear, t-shirts, sportswear, outerwear, leisure wear, toys, games, playthings, novelty masks, plush toys, board games, card games, puzzles, electronic games, party games, quiz games,

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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 (30) days** from the date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise **suspended**.