

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 2, 2021

Opposition No. 91251671

The Ohio State University

v.

Overtime Sports, Inc.

**M. Catherine Faint,
Interlocutory Attorney:**

On April 22, 2021, in response to the Board's order regarding consented proposed amendments to the applications, Applicant filed a proposed consented amendment to its application Serial Nos. 88325985, and 88319783 to amend the filing basis. Applicant also filed a proposed amendment to amend its drawing pages. The parties' consent to the dismissal of the opposition without prejudice is conditioned upon the Board's acceptance of the statements of use for the amended applications.

By the proposed amendments, Applicant seeks to change the filing basis as follows:

From: 1(a) Use in Commerce

To: 1(b) Intent to Use.

The amendments are granted and are approved and entered. *See* Trademark Rule 2.133(a); 37 C.F.R. § 2.133(a).

By the proposed amendments Applicant also seeks to amend the drawings of the marks from the image above to the image on below as follows:

From:



To:



The Board finds that the amendments do not materially alter the marks, and that the amendments to the basis support the proposed amendments. Moreover, the Board notes that Opposer consents to the amendments. *See* Trademark Rule 2.133; 37 C.F.R. § 2.133. In view of these findings, the amendments are approved and entered.

Proceedings are suspended pending the processing of the amendments to the basis by the Office including republication of the two applications. *See* Trademark Rule 2.35(b)(2); 37 C.F.R. § 35(b)(2).

When proceedings are resumed, if the amendments resolve this proceeding, Opposer will be allowed time to file a withdrawal of the opposition, failing which the

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opposition will go forward on the applications as amended. *See* Trademark Rule 2.106(c); 37 C.F.R. § 2.016(c).