

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Mailed: April 28, 2003

Opposition No. 91150113

MERCATOR SOFTWARE INC.

v.

VULCAN PORTALS, INC.
assignee of MERCATA, INC.¹

On April 4, 2003, the parties filed applicant's proposed amendment to its application Serial No. 75/789,999, with opposer's consent, and a joint stipulation to dismiss of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the identification of goods, in **International Class 35**, to the following:

"Retail store services via a global computer network in the field of consumer electronics, hand and power tools, home and kitchen supplies, lawn and garden care equipment, gifts, sporting goods, fitness equipment and watches, excluding computer software and manuals for use therewith bearing the MERCATA mark; advertising the goods and services of others (excluding computer software and manuals for use therewith bearing the MERCATA mark and computer consulting services in the field of computer

¹ The Office assignment records indicate that applicant has assigned the application to Vulcan Portals, Inc.; Reel 2398; Frame 0938. Accordingly, the caption of this proceeding is amended to reflect the change in corporate name.

hardware, software, programming, and installation under the MERCATA mark) via a global computer network and television."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement between the parties.

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