

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

AL/kk

Mailed: April 8, 2005

Opposition No. 91158448

Sean Daley

v.

Eric Persing

Angela Lykos, Interlocutory Attorney

On February 16, 2005, applicant filed a proposed amendment to its application Serial No. 76475501, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "computer software and sound recordings recorded on CD-ROMs and DVD for use in music production, musical sound recordings and multimedia production" **to** "computer software for use in music creation and music production, namely, software that allows the user to access an included core-library of pre-recorded sounds and manipulate them through a graphic user interface to generate customized music."

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).

If this resolves the dispute herein, opposer is allowed until *thirty (30) days* from the mailing 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).