

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

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Mailed: January 13, 2009

Opposition No. 91168399

Opposition No. 91168419

Fibre-Craft Materials
Corporation

v.

Oriental Trading Company,
Inc.

On January 5, 2009, the parties filed applicant's proposed amendment to its application Serial Nos. **76586885** and **76586894**, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods and/or services to:

Class 15

Musical instruments, all of which are not marketed to general merchandise mass retailers for resale;

Class 16

School supplies and educational craft items, namely, arts and crafts paint kits, party ornaments of paper, party ornaments of plastic, photo holder cards, stickers, cardboard, stencils, paper bags, paper boxes, calendars, bookmarks, corkboards, paper banners, notebooks, corkboard pins, pompoms, paint brushes, paper drop cloths, marker caddies, adhesive tapes for stationery or household use, glue for stationer or household use, paper hole punch, pencil sharpeners, personal storage organizers, paint applicator rollers, stamp pads, paper

filters, crayons, chalk, dry erase writing boards, lap boards for reading and writing, chalkboards; art supplies and artists' materials, namely, stencils, cardboard, notebooks, pens, glue for stationery or household use, corkboards, paper hole punch, paint brushes, paper filters, crayons, pencil sharpeners, chalk, dry erase writing boards, lap boards for reading and writing, chalkboards, paper embossers, modeling clay, molds for modeling clay, collages, magnetic paper, cellophane paper, paper drop cloths, sponge stamps, personal storage organizers, paint applicator rollers, and stamp pads, all of which are not marketed to general merchandise mass retailers for resale;

Class 28

Toys, games, and novelty items, namely, puzzles, plastic toy jewels and jewelry, ribbon sticks, flying disks, jump ropes, plastic animals, playground cones, hoops, rubber balls, bean bags, toy building blocks, kaleidoscopes, puppets, play food, toy masks, foam wigs; toy modeling dough, play tunnels, children's wire construction and art activity toys, all of which are not marketed to general merchandise mass retailers for resale; and

Class 35

Mail order catalog services in the field of school supplies and educational, craft, gift and novelty items, art supplies, art materials, toys and musical instruments, all of which are not marketed to general merchandise mass retailers for resale.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), 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***