

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

jh/EAD

Mailed: January 25, 2007

Opposition No. 91173119

Perry Swain d/b/a Mojo
Originals

v.

Jeffrey Randall Good

Elizabeth A. Dunn, Attorney:

On December 15, 2006, the parties filed applicant's proposed amendment to its application Serial No. 78724605, with opposer's written consent, and opposer's withdrawal without prejudice, of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to delete Class 25 in its entirety. The identification of goods in Class 28 remains unchanged.

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).

Applicant's amendment to delete Class 25 from the application operates as an abandonment of the application as

to that class. See Trademark Rule 2.135; and TBMP Section 602.01.

In view thereof, opposer's written consent to the deletion of Class 25 being of record, and the contingency in opposer's withdrawal having now been met, application Serial No. 78724605 stands abandoned as to Class 25 and the opposition is dismissed without prejudice.

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