

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

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Mailed: May 18, 2007

Opposition No. 91176754

Zodiac Pool Care, Inc.

v.

XiniX Holdings, Inc.

On May 4, 2007, the parties filed applicant's proposed amendment to its application Serial No. 78822637, with opposer's consent. On May 6, 2007 opposer filed its withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods **from** "water purification chemicals" **to** "water purification chemicals excluding for use in connection with pools or spas."

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 without prejudice.

*By the Trademark Trial
and Appeal Board*