

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

Lg/Dunn

Mailed: October 8, 2008

Opposition No. 91181712

The Baby Einstein Company,
LLC

v.

Herbert B. Reinert

On September 4, 2008, the parties filed applicant's proposed amendment to its application Serial No. 77090444, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods in International class 9

From:

"Children's educational music CDs and DVDs"

To:

"Children's educational music CDs and DVDs for teaching English as a second language to persons who speak Chinese as their native language"

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*