

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

dmd/csg

Mailed: September 12, 2008

Opposition No. 91185195

Apple Inc.

v.

Owens, Ernest

On September 5, 2008, the parties filed a paper stipulating to applicant's proposed amendment to its application Serial No. 77239699, 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 services in International Class 41

from:

"entertainment in the nature of live performances by a musician; entertainment, namely, live music concerts"

to the following:

"entertainment, namely live performances by the musician Ernest Owens; entertainment namely, performing live musical concerts featuring Ernest Owens"

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 without prejudice.

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