

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

AM/BUTLER

Mailed: May 21, 2010

Opposition No. 91189061

bioMerieux

v.

Woolpert, Inc.

On May 13, 2010, the parties filed applicant's proposed amendment to its application Serial No. 77497391, 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 **from**

"computer software program for modeling the hydrology and water quality associated with developed land sites and the pollutant transfer and trapping efficiency of specific management practices"

to

"computer software program for modeling the hydrology and water quality associated with developed land sites and the pollutant transfer and trapping efficiency of specific management practices, excluding goods and services related to sampling atmospheric air in order to detect contamination."

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

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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. See Trademark Rule 2.106(c).

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