

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

MBA/tdc

Mailed: June 17, 2010

Opposition No. 91193222

Brown Shoe Company, Inc.

v.

Cosway Company, Inc.

On June 8, 2010, the parties filed applicant's proposed amendment to its application Serial No. 77497702, with opposer's written consent, and opposer's withdrawal of the opposition with prejudice, with applicant's written consent, contingent upon entry of the amendment. By the proposed amendment, applicant seeks to change the identification of goods in International Class 25 **from** "Clothing, namely, dresses, skirts, blouses, knitted tops, suits, pant suits, jump suits, sweaters, shawls, vests, tunics, cardigans, coat sweaters, scarves, singlets, t-shirts, shirts and casual tops with long and short sleeves, tank tops, sleeveless shirts, sleeveless tops, bodysuits, sweat tops, sweat hooded parkas, jackets, coats, jumpers, shorts, long pants, beach pants, trousers, slacks, jeans, overalls, sarongs, sporting and gymnastic wear, namely, leotards, sweat pants, sweats shirts and warm-up suits, wetsuits, swim wear, ski wear, snowboard

wear, namely, jackets and pants, skateboard wear, namely, shorts and t-shirts, aprons; night clothes, namely, pajamas, night gowns, dressing gowns, bathrobes, underwear, lingerie; stockings, pantyhose, socks, vests, belts, braces, mittens, gloves, scarves; head coverings, namely, ear muffs, bandannas, beanies, headbands, hats, visors, caps, hoods, surf caps, surf hoods; footwear, namely, slippers, boots, shoes, beach shoes, thonged and strapped sandals, sporting and gymnastic footwear, athletic shoes, boots for sports" to "Clothing, namely, dresses, skirts, blouses, knitted tops, suits, pant suits, jump suits, sweaters, shawls, vests, tunics, cardigans, coat sweaters, scarves, singlets, t-shirts, shirts and casual tops with long and short sleeves, tank tops, sleeveless shirts, sleeveless tops, bodysuits, sweat tops, sweat hooded parkas, jackets, coats, jumpers, shorts, long pants, beach pants, trousers, slacks, jeans, overalls, sarongs, sporting and gymnastic wear, namely, leotards, sweat pants, sweats shirts and warm-up suits, wetsuits, swim wear, ski wear, snowboard wear, namely, jackets and pants, skateboard wear, namely, shorts and t-shirts, aprons; night clothes, namely, pajamas, night gowns, dressing gowns, bathrobes, underwear, lingerie; stockings, pantyhose, socks, vests, belts, braces, mittens, gloves, scarves; head coverings, namely, ear muffs, bandannas, beanies, headbands, hats, visors, caps, hoods, surf caps, surf hoods."¹

¹ The goods and services in International Classes 3, 4, 5, 18, 26 and 35 would remain unchanged.

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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 with prejudice in accordance with the agreement between the parties.

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