

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

nmt

Mailed: May 3, 2011

Opposition No. 91195184

Family Time Sporting
Apparel, LLC

v.

Tex-Ray Industrial Co., Ltd.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On April 8, 2011, applicant filed a proposed amendment to its application Serial No. 77744327, with opposer's consent. By the proposed amendment, applicant seeks to change the identification of goods in International Class 25 as follows:

From: "Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens"

To: "Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens; all of the foregoing excluding children's athletic wear, and limited to clothing that incorporates 'smart' technological material, components or systems for recharging electrical devices, providing light displays, playing digital music, taking digital photographs, or monitoring personal health statistics."

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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).

If this resolves the dispute herein, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

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