

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

nmt/coggins

Mailed: January 27, 2011

Opposition No. 91195691

Times Three Clothier, Inc.

v.

Crosscare Limited

On November 19, 2010, the parties were allowed thirty days to state whether (1) opposer consents to applicant's September 3, 2010 amendment, and (2) opposer's withdrawal of the opposition is contingent upon the amendment. On November 24, 2010, opposer filed its consent to applicant's amendment and confirmed that the withdrawal of the opposition is contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, applicant seeks to change the identification of goods in International Class 5 to "Skin creams for medical use containing plant extracts enriched with vitamins, sold at pharmacies and health care sections of grocery stores."

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<sup>1</sup> Curiously, on December 9, 2010, applicant filed a renewed, proposed amendment to its application Serial No. 77905299 -but once again failed to indicate whether applicant had obtained opposer's consent. Inasmuch as the renewed amendment is identical to the originally proposed amendment, the Board need not consider applicant's renewed filing.

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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 without prejudice.

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