

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

vb/MCF

Mailed: April 5, 2012

Opposition No. 91197624

23andMe, Inc.

v.

CKM Holdings Inc.

On February 29, 2012,¹ the parties filed applicant's proposed amendment to its application Serial No. 77832463, with opposer's consent, and opposer's withdrawal of the opposition without prejudice.

By the proposed amendment applicant seeks to change the identification of goods in Class 5 from:

"Biological preparations for medical purposes; Microbiocides for industrial and institutional manufacturing processes and wastewater applications; Antimicrobial coatings to treat the growth of mold, mildew, bacteria and fungus on various surfaces; Bacterial and bacteriological preparations for medical or veterinary purposes; Bacterial poisons; Bactericides; Bacteriostats for medicinal, dental and veterinary use; Biocides; Pharmaceutical preparations for the prevention and treatment of ocular disorders or diseases, for the treatment of bacteria-based diseases, and for the

¹The filing fails to indicate proof of service on opposer as required by Trademark Rule 2.119. In order to expedite this matter, opposer is directed to the following URL where it may view a copy of the filing:
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91197624&pty=OPP&eno=4>

treatment of diabetes, and anti- infective preparations, antiviral preparations, antibiotics, antifungal preparations and vaccines; Ferments for medical or veterinary use."

to

"Biological preparations for medical purposes; Microbiocides for industrial and institutional manufacturing processes and wastewater applications; Antimicrobial coatings to treat the growth of mold, mildew, bacteria and fungus on various surfaces; Bacterial and bacteriological preparations for medical or veterinary purposes; Bacterial poisons; Bactericides; Bacteriostats for medicinal, dental and veterinary use; Biocides; Pharmaceutical preparations for the prevention and treatment of ocular disorders or diseases, for the treatment of bacteria-based diseases, and for the treatment of diabetes, and anti- infective preparations, antiviral preparations, antibiotics, antifungal preparations and vaccines; Ferments for medical or veterinary use; **all of the foregoing goods excluding for use in DNA testing.**"

[the bold wording is added]

The Classes 001, 040 and 042 remain unchanged.

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 in accordance with the agreement between the parties.

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