

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

vb/gcp

Mailed: October 18, 2012

Opposition No. 91205329

Osprey Packs, Inc.

v.

Wilton Bradley Limited

By the Trademark Trial and Appeal Board:

On October 10, 2012, the parties filed applicant's proposed amendment to its application Serial No. 85038554, with opposer's consent, and opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods in Classes 9, 12, 25 and 28¹ from:

"Protective helmets; goggles for sports; protective clothing for sports, sunglasses; masks for snorkeling and diving" in Class 009

"Watersports equipments, namely, kayaks; mountain bikes and BMXs" in Class 012

"Waterproof clothing, namely, rain jackets, jackets, coats, shorts, swimming costumes, gloves, wetsuits, rash vests, wet suit boots; sports shoes; waterproof shoes; clothing for watersports and sports activities, namely, wetsuits, rash vests, wetsuit boots, shoes and gloves" in Class 025

¹ International Class 24 remains unchanged.

"Sports equipment, namely, skateboards, surfboards, longboards, skimmer boards, mountain boards; watersports equipment, namely, surfboards, skimmer boards; skateboards, surfboards, long boards, surfboard bags; swimming and scuba flippers; bodyfins, namely, fins, body boards; body boards; knee guards for use with skate boards, longboards and mountain boards; protective padding for playing watersports, skateboarding, surfboarding, longboarding, skimmer boarding, mountain boarding, skiing, ice skating and roller skating; ice skates and roller skates; surf skis; play articles for swimming pools, namely, water toys, beach balls and toy balls; waterskis; knee guards for mountain bikes and BMXs; protective padding for kayaking, mountain biking and BMX riding" in Class 028

to:

"Protective helmets for watersports; goggles for watersports; protective clothing for watersports, masks for snorkeling and diving" in Class 009

"Watersports equipments, namely, kayaks" in Class 012

"Waterproof clothing for watersports, namely, wetsuit gloves, wetsuits, rash vests, wet suit boots; shoes for watersports; waterproof shoes for watersports" in Class 025

"Skateboards, surfboards, longboards, skimmer boards, mountain boards; watersports equipment (but not including bags) namely, surfboards, skimmer boards; skateboards, surfboards, long boards, swimming and scuba flippers; bodyfins, namely, fins, body boards; body boards; knee guards for use with skate boards, longboards and mountain boards; protective padding (but not including bags) for playing watersports, skateboarding, surfboarding, longboarding, skimmer boarding, mountain boarding, ice skating and roller skating; ice skates and roller skates; surf skis; play articles for swimming pools, namely, water toys, beach balls and toy balls; waterskis; protective padding (but not including bags) for kayaking" in Class 028

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).

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The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice in accordance with the agreement between the parties.