

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

WINTER/kk

Mailed: January 15, 2014

Opposition No. 91209625

PetSmart Store Support
Group, Inc.

v.

AGS Labs Inc.

On December 5, 2013, applicant filed its proposed amendment to its application Serial No. 85648492, with opposer's consent. Previously, on November 27, 2013, opposer filed its withdrawal of the opposition with prejudice.

By the proposed amendment, applicant seeks to change the identification of goods **from:**

"Adhesive bandages; cough drops; dietary supplement drinks for infants and children and infant formula; medicated diaper rash ointment; enema preparations; eye care products, namely, eye drops and saline solution for medical purposes; feminine hygiene products, namely, medicated douches, tampons, and feminine hygiene pads; first aid products, namely, rubbing alcohol, hydrogen peroxide for medical use, epsom salt, iodine tincture, witch hazel, and ipecac syrup for medical purposes; stool softener; medicated foot cream; lubricating petroleum jelly for medical purposes; pregnancy test strips for home

use; medicated sleep aids; antacids; medicated callus removers and medicated callus pads,"

To: "Adhesive bandages; cough drops; dietary supplement drinks for infants and children and infant formula; medicated diaper rash ointment; enema preparations; eye care products, namely, eye drops and saline solution for medical purposes; feminine hygiene products, namely, medicated douches, tampons, and feminine hygiene pads; first aid products, namely, rubbing alcohol, hydrogen peroxide for medical use, epsom salt, iodine tincture, witch hazel, and ipecac syrup for medical purposes; stool softener; medicated foot cream; lubricating petroleum jelly for medical purposes; pregnancy test strips for home use; medicated sleep aids; antacids; medicated callus removers and medicated callus pads; all of the foregoing intended exclusively for use by humans and not for use by or in connection with animals."¹

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).

Additionally, in view of opposer's withdrawal of the opposition, the opposition is dismissed with prejudice.

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

¹ The underlined wording has been added to the identification.