

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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am/gcp

Mailed: July 29, 2014

Opposition No. 91211251

Marvel Characters, Inc.

v.

Sabertooth Motorcycles, LLC

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

On July 8, 2014, applicant filed a proposed amendment to application Serial No. 85483515, with opposer's consent, and opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the identification of goods as follows:

from

"Articles of protective clothing for protection against accident or injury for use in motorcycling and motorsports; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio tapes featuring music; Automatic indicators of low pressure in tires; Automotive measuring instruments, namely, water temperature gauges, air fuel/ratio gauges, boost gauges, vacuum gauges and exhaust gas temperature gauges; Automotive testing equipment, namely, transmission testing and brake testing equipment; Backlit signs; Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Bags for cameras and photographic equipment; Batteries and battery chargers; Battery boxes; Battery monitors; Bicycle helmets; Body armor; Camera cases; Car broadcasting tuners; Car navigation computers; Carrying cases for electronic equipment, namely, cellphones, computers; Cases for eyeglasses

and sunglasses; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; Cellular telephones; Chargers for batteries; Clothing for protection against accidents, irradiation and fire; Computer application software for mobile phones, namely, software for smartphones that provides users the ability to remotely control features of their motor vehicle; Computer game software; Computer software and hardware for remotely monitoring motor vehicle location and systems; Computer software for operating a motor vehicle dealership; Crash helmets; Cruise controls for motor vehicles; Cruise controls for motorcycles; Downloadable electronic newsletters in the field of motorcycles, motor vehicles and motorsports; DVDs featuring motorcycles and motorsports; Electric signs; Electronic controllers for motor vehicle steering, traction and stability control; Electronic game software; Electronic publications, namely, magazines and manuals featuring motorcycles, motor vehicles and motorsports recorded on computer media; Electronic signs; Eyewear; Eyewear cases; Fridge magnets; Gloves for protection against accidents; GPS navigation device; Helmets for bicycles; Helmets for motorcyclists; Holders for compact discs; Jump start cables; Keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; Knee pads for workers; Laptop carrying cases; Life jackets; Mechanical signs; Motor vehicle to trailer electrical connectors; Motorcycle goggles; Motorcycle helmets; Mouse pads; Mousepads; Musical recordings; Neon signs; Parts for anti-theft automotive alarms, namely, electronic sensors, remote control transmitters and receivers for remotely operating land vehicles; Pre-paid telephone calling cards, magnetically encoded; Protective helmets; Protective industrial boots; Protective padded clothing for protection against bodily harm and blunt force trauma; Protective work gloves; Racing safety apparel, namely, flame retardant balaclavas; Radar detectors; Radios for vehicles; Refrigerator magnets; Safety goggles; Safety helmets; Safety products, namely, embroidered reflective patches to be worn on clothing; Safety products, namely, reflective helmet skirts; Safety products, namely, reflective safety bands to be worn on the body; Sirens; Slide boxes; Snow goggles; Speedometers; Sunglasses; Support belts for workers; Tachometers; Tire pressure gauges; Tire tread depth gauges; Vehicle locating, tracking and security system comprised of an antenna and radio transmitter to be placed in a vehicle; Vehicle locator and recovery device programmed to use global positioning systems (GPS)

and cellular telecommunications; Vehicle radios; Vehicle safety equipment, namely, back-up sensors and cameras; Vehicle safety equipment, namely, electronic tire pressure monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors; Vehicle tracking devices comprised of cellular radio modules, computer software and computer hardware, sensors, transmitters, receivers and global positioning satellite receivers, all for use in connection with vehicle tracking, vehicle monitoring and anti-theft vehicle alarms; Vehicles breakdown warning lamps; Voltmeters; Warning triangles to indicate vehicle breakdowns; Welding helmets"

to

"Cruise controls for motorcycles; motorcycle eyewear, motorcycle eyewear cases; jump start cables; motorcycle helmets."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed **with prejudice**.