

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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EJW/mc

Mailed: November 13, 2015

Opposition No. 91212797

Sisco Textiles N.V.

v.

McDAVID, Inc.

BY THE TRADEMARK TRIAL AND APPEAL BOARD:

On August 10, 2015, Opposer filed the parties' stipulation comprising applicant's proposed amendment to application Serial No. 85665732, 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 by deleting the following from the goods in International Class 25, namely: shirts, shorts, tops, leggings, hats, gloves, headwear and footwear, and to add the following phrase: "; none of the foregoing for use in connection with water and/or snow sports or specifically designed to increase warmth," as shown below:

From: "Clothing, namely, shirts, shorts, tights, athletic support tops, tops, girdles, compression shirts for non-medical purposes, compression tops for non-medical purposes, compression shorts for non-medical purposes, compression pants for non-medical purposes, athletic sleeves, leggings, wrist bands, heel cuffs, elbow cuffs, hats, gloves, undergarments, headwear and footwear, "

To:¹ "Clothing, namely, tights, athletic support tops, girdles, compression shirts for non-medical purposes, compression tops for non-medical purposes, compression shorts for non-medical purposes, compression pants for non-medical purposes, athletic sleeves wrist bands, heel cuffs, elbow cuffs and undergarments; **none of the foregoing for use in connection with water and/or snow sports or specifically designed to increase warmth.**"²

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.

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¹ The additional wording is underlined and shown in bold type font.

² The goods in International Classes 10 and 28 are not amended.