

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

RK/am

Mailed: March 17, 2014

Opposition No. **91212948**

Albaugh, Inc.

v.

Tateho Kagaku Kogyo Kabushiki
Kaisha dba Tateho Chemical
Industries Co., Ltd.

On January 29, 2014, applicant was allowed time to secure the consent of the opposer in Opposition No. 91212447, i.e., Mag Instrument, Inc. (hereinafter "Mag"), to the amendment proposed by applicant in this proceeding to its application Serial No. 79119877 on December 23, 2013. On March 3, 2014, applicant filed Mag's written consent to the amendment, which is reproduced below (deleted terms in bold type):

From: Chemicals and chemical materials used in industry, science and agriculture, namely, magnesium hydroxide, magnesium oxide, magnesium carbonate, calcium hydroxide, calcium oxide, calcium carbonate, zirconium oxide, calcium sulfite, calcium peroxide, silicon carbide, silicon nitride, all in powder form for use as additives for plastics, sintering additives for ceramics, raw materials for ceramics, additives for heavy oil, additives for paints, raw materials for surface treatment agents for insulating film-forming on magnetic steel sheets and additives for pigments; chemicals used in deposition, namely, chemical source

material for the deposition of thin films; magnesium oxide ceramics in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials for industrial use in powder, particle, and granular form for use as additives for plastics, sintering additives for ceramics, raw materials for ceramics, additives for heavy oil, additives for paints, raw materials for surface treatment agents for insulating film-forming on magnetic steel sheets and additives for pigments; adhesives, not for stationery or household purposes; **plant growth regulating preparations**; in International Class 1.

To: Chemicals and chemical materials used in industry, science and agriculture, namely, magnesium hydroxide, magnesium oxide, magnesium carbonate, calcium hydroxide, calcium oxide, calcium carbonate, zirconium oxide, calcium sulfite, calcium peroxide, silicon carbide, silicon nitride, all in powder form for use as additives for plastics, sintering additives for ceramics, raw materials for ceramics, additives for heavy oil, additives for paints, raw materials for surface treatment agents for insulating film-forming on magnetic steel sheets and additives for pigments; chemicals used in deposition, namely, chemical source material for the deposition of thin films; magnesium oxide ceramics in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials in particle and compacted form used as target material for sputtering, electron-beam deposition, evacuated deposition; ceramic materials for industrial use in powder, particle, and granular form for use as additives for plastics, sintering additives for ceramics, raw materials for ceramics, additives for heavy oil, additives for paints, raw materials for surface treatment agents for insulating film-forming on magnetic steel sheets and additives for pigments; adhesives, not for stationery or household purposes; in International Class 1.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because applicant has obtained and made of record the consent of all opposers to the involved application, the amendment is **APPROVED** and entered. See Trademark Rule 2.133(a).

The contingency in opposer Albaugh, Inc.'s withdrawal of January 6, 2014, having now been met, the opposition is **DISMISSED without prejudice.**

*By the Trademark Trial
and Appeal Board*