

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

am/wbc

Mailed: March 19, 2014

Opposition No. 91213449

DIVX, LLC

v.

Delta Electronics, Inc.

Wendy Boldt Cohen, Interlocutory Attorney:

On February 26, 2014, applicant filed a proposed amendment to its application Serial No. 85675533, without opposer's consent.

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

"Video graphics display control and management systems comprising Video decoders, Audio decoders, Video and audio processors, Video and audio signal transceivers, Electronic switchers for video and audio signals, Network hubs and switchers, Electronic interconnecters for video and audio signals, Power conversion devices, Flat panel display screens, Multimedia projectors, Matrix distribution controller for video and audio signals, and the Management computer software thereof"

to

"Video graphics display control and management systems comprising Video decoders, Audio decoders, Video and audio processors, Video and audio signal transceivers, Electronic switchers for video and audio signals, Network hubs and switchers, Electronic interconnecters for video and audio signals, Power conversion devices, Flat panel display screens, Multimedia projectors, Matrix distribution controller for video and audio

signals, and the Management computer software thereof, all of the foregoing for industrial or professional use and not for consumer use, where the software is adapted exclusively to the foregoing system without separate distribution."

By order dated March 4, 2014, the Board noted that applicant's proposed amendment did not provide opposer's consent thereto and allowed applicant time in which to submit opposer's consent. On March 7, 2014, applicant filed opposer's consent to the proposed amendment.

Accordingly, since applicant's proposed 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).

If this resolves the dispute herein, opposer is allowed until **thirty days** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).