

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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General Contact Number: 571-272-8500

BUO/Am

Mailed: July 21, 2014

Opposition No. 91214851

*MSC Servs. Corp., Sid Tool Co., Inc.  
dba MSC Indus. Supply Co.*

*v.*

*DAP Brands Co.*

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

On June 25, 2014, the parties' filed applicant proposed amendment to its application Serial No. 86046036, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment applicant seeks to amend the identification of goods to add the following underlined language and delete the following stricken language:

**International Class 17**

Adhesive sealants and caulking compounds; Aerosol foam sealants for use in connection with residential and commercial construction projects manufactured by or at the direction of Applicant.

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<sup>1</sup> Applicant's appearance, filed May 27, 2014 is noted and made of record.

**International Class 35**

Providing consumer product news, information, and technical data in the field of caulks, sealants, adhesives, aerosol foam sealants, ~~and surface repair products~~; Customer service, namely, providing an advisory service and assistance to consumers regarding the selection of products and items to be purchased in the field of caulks, sealants, adhesives, aerosol foam sealants, ~~and surface repair products~~; Providing information and advice for consumers regarding the selection of products and items to be purchased in the field of caulks, sealants, adhesives, aerosol foam sealants, ~~and surface repair products~~; Retail stores and on-line retail store services featuring caulks, sealants, adhesives, aerosol foam sealants, ~~and surface repair products~~ manufactured by or at the direction of Applicant.

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 been met, the opposition is **DISMISSED** in accordance with the agreement between the parties.