

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

EJW/jmw

Mailed: March 24, 2016

Opposition No. 91214867

Horizon Hobby, Inc.

v.

Premier Accessory Group, LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On November 30, 2015, Applicant filed separate consent motions related to the opposed applications, *i.e.*, applications Serial No. 85602658 and Serial No. 85607883. Each motion comprised a proposed amendment to the respective application with Opposer's written consent. By the proposed amendments, Applicant seeks to amend the identifications of goods in International Class 9, as follows:¹

Application Serial No. 85602658:

From: "Battery chargers, Cases for mobile phones; Cell phone battery chargers; Ear buds; Headphones."

To: "Battery chargers, **excluding battery chargers for use with remotely controlled vehicles and excluding battery chargers for use with unmanned vehicle systems comprising unmanned vehicles, transmitters, receivers, serial interfaces, servomotor interfaces, and ground side components, namely transmitters, receivers, and display screens;** ~~Cases for mobile phones;~~ Cell phone battery chargers; Ear buds; headphones."

¹ The proposed wording is shown in bold type font.

Inasmuch as Application Serial No. 85602658 has been amended in Opposition No. 91214700, Applicant's motion to amend said application is moot.

Application Serial No. 85607883:

From: "Battery chargers, Cases for mobile phones; Cell phone battery chargers; Ear buds; Headphones."

To: "Battery chargers, **excluding battery chargers for use with remotely controlled vehicles and excluding battery chargers for use with unmanned vehicle systems comprising unmanned vehicles, transmitters, receivers, serial interfaces, servomotor interfaces, and ground side components, namely transmitters, receivers, and display screens;** Cases for mobile phones; Cell phone battery chargers; Ear buds; headphones."

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).

Withdrawal of this Proceeding

Applicant submitted with its February 8, 2016 response to the Board's January 8, 2016 order a copy of the parties' stipulation on motion to dismiss without prejudice for Opposition No. 91214698. Based on the withdrawal in that proceeding, which also involves application Serial No. 85607883, it appears that the parties have settled this matter as well. However, *this* proceeding has not been withdrawn. In view thereof, if the foregoing amendment resolves this matter, Opposer is allowed until **THIRTY DAYS** from the mailing date of this order to submit a withdrawal of the opposition, failing which trial dates in this proceeding shall be reset. This proceeding remains otherwise **SUSPENDED**.