

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/nmt

Mailed: December 21, 2015

Opposition No. **91218377**

Disney Enterprises, Inc.

v.

Tomorrowland Co., Ltd.

By the Trademark Trial and Appeal Board:

On October 13, 2015, Opposer filed Applicant's proposed amendment to **Application Serial No. 79140899**, with Opposer's written consent, and Opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to change the identifications of goods and services in International Classes 18, 25 and 35 as follows (amendment in bold type):

From: Folding briefcases; shoulder bags; Gladstone bags; Japanese kori wicker trunks; briefcases; suitcases; carry-on bags; trunks; handbags; Boston bags; rucksacks; charm bags; business card cases; shopping bags, namely, wheeled shopping bags; purses; key cases; money pouches of leather and textile; wallets; wallets including card holders; business card cases; unfitted vanity cases; umbrellas; unworked or semi-worked leather and fur; handbag frames; purse

¹ The parties note that the identification of goods in opposed Application Serial No. 79144969 has previously been amended.

frames; clothing for domestic pets; walking sticks; canes; metal parts of canes and walking-sticks; handles for canes and walking-sticks; in International Class 18.

Evening dresses; children's wear, namely, skirts, trousers, and shirts; jackets; jogging pants; sweat pants; suits; skirts; trousers; formalwear, namely, tuxedos; coats; overcoats; topcoats; mantles; raincoats; cardigans; sweaters; vests and waistcoats; open-necked shirts; cuffs; collars for clothing; sport shirts; blouses; polo shirts; shirts for suits; night gowns; negligees; Japanese sleeping robes; pajamas; bath robes; undershirts; foundation underclothing, namely, corsets; clothing, namely, combinations; chemises; drawers and underpants; slippers; panties, shorts and briefs; brassieres; petticoats; camisoles; tee-shirts; Japanese traditional clothing, namely, kimonos; sleep masks; clothing, namely, aprons; collar protectors; socks and stockings; puttees and gaiters; fur stoles; shawls; scarves; Japanese style socks (tabi); Japanese style socks covers (tabi covers); clothing, namely, gloves and mittens; neckties; neckerchiefs, namely, bandannas; thermal underwear; mufflers; clothing, namely, ear muffs; nightcaps; headgear for wear, namely, caps and hats; garters; sock suspenders; braces, namely, suspenders; waistbands; belts for clothing; footwear, other than special footwear for sports; masquerade costumes; clothes for sports, namely, shirts and pants; special footwear for sports, namely, shoes; in International Class 25.

Retail store and wholesale distributorship services for cotton fabrics, silk fabrics, wool yarn fabrics, chemical fiber fabrics, mixed fiber fabrics; retail store and wholesale distributorship services featuring pillows, mattresses, futon quilts, futon and quilt cases in the nature of linen, bedsheets, blankets, textile sheets; retail store and wholesale distributorship services featuring towels of textile, Japanese cotton towels (tenugui), handkerchiefs, Japanese ceremonial wrapping cloth (fukusa), Japanese general wrapping cloth (furoshiki); retail store and wholesale distributorship services featuring clothing; retail store and wholesale distributorship services featuring footwear other than special footwear for sports; retail store and wholesale distributorship services featuring bags and pouches; in International Class 35.

To: Folding briefcases; shoulder bags; Gladstone bags; Japanese kori wicker trunks; briefcases; suitcases; carry-on bags; trunks; handbags; Boston bags; rucksacks; charm bags; business card cases; shopping bags, namely, wheeled shopping bags; purses; key cases;

money pouches of leather and textile; wallets; wallets including card holders; business card cases; unfitted vanity cases; umbrellas; unworked or semi-worked leather and fur; handbag frames; purse frames; clothing for domestic pets; walking sticks; canes; metal parts of canes and walking-sticks; handles for canes and walking-sticks; **all of the foregoing goods are high-end and luxury items offered and sold in high-end and luxury retail stores;** in International Class 18.

Evening dresses; children's wear, namely, skirts, trousers, and shirts; jackets; jogging pants; sweat pants; suits; skirts; trousers; formalwear, namely, tuxedos; coats; overcoats; topcoats; mantles; raincoats; cardigans; sweaters; vests and waistcoats; open-necked shirts; cuffs; collars for clothing; sport shirts; blouses; polo shirts; shirts for suits; night gowns; negligees; Japanese sleeping robes; pajamas; bath robes; undershirts; foundation underclothing, namely, corsets; clothing, namely, combinations; chemises; drawers and underpants; slippers; panties, shorts and briefs; brassieres; petticoats; camisoles; tee-shirts; Japanese traditional clothing, namely, kimonos; sleep masks; clothing, namely, aprons; collar protectors; socks and stockings; puttees and gaiters; fur stoles; shawls; scarves; Japanese style socks (tabi); Japanese style socks covers (tabi covers); clothing, namely, gloves and mittens; neckties; neckerchiefs, namely, bandannas; thermal underwear; mufflers; clothing, namely, ear muffs; nightcaps; headgear for wear, namely, caps and hats; garters; sock suspenders; braces, namely, suspenders; waistbands; belts for clothing; footwear, other than special footwear for sports; masquerade costumes; clothes for sports, namely, shirts and pants; special footwear for sports, namely, shoes; **all of the foregoing goods are high-end and luxury clothing items offered and sold in high-end and luxury retail stores;** in International Class 25.

High-end and luxury retail store and wholesale distributorship services for **high-end and luxury products, namely,** cotton fabrics, silk fabrics, wool yarn fabrics, chemical fiber fabrics, mixed fiber fabrics; retail store and wholesale distributorship services featuring pillows, mattresses, futon quilts, futon and quilt cases in the nature of linen, bedsheets, blankets, textile sheets; **High-end and luxury** retail store and wholesale distributorship services featuring towels of textile, Japanese cotton towels (tenugui), handkerchiefs, Japanese ceremonial wrapping cloth (fukusa), Japanese general wrapping cloth (furoshiki); **High-end and luxury** retail store and wholesale distributorship services featuring

clothing; **High-end and luxury** retail store and wholesale distributorship services featuring **high-end and luxury** footwear other than special footwear for sports; **High-end and luxury** retail store and wholesale distributorship services featuring **high-end and luxury** bags and pouches; in International Class 35.

Inasmuch as the 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).

The contingency in Opposer's withdrawal having now been met, the opposition is **DISMISSED without prejudice**.

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