

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

Nmt/DUNN

Mailed: June 4, 2015

Opposition No. 91220175

*Kino Flo, Inc.*

*v.*

*David Kohan & Peter James Markham*

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

On April 7, 2015, Applicant filed a proposed amendment to application Serial No. 86314006, with Opposer's written consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment Applicant seeks to amend the identification of goods in International Class 11 as follows:

from

"Lighting fixtures"

to

"Lighting fixtures for use in underwater applications such as pools, hot tubs, and fountains."

Opposition No. 91220175

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 now been met, the opposition is dismissed without prejudice.