

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: July 14, 2016

Opposition No. 91220956

Unique Photo Inc.

v.

Sanjay Agarwal

By the Trademark Trial and Appeal Board:

On June 29, 2016, Applicant filed a stipulated motion to amend subject application Serial No. 79153014; and, on July 1, 2016, Opposer filed a stipulated withdrawal of the opposition without prejudice. In view of the nature and timing of the two filings, the Board construes the withdrawal as contingent upon acceptance of the amendment.

By the proposed amendment, Applicant seeks to delete “camera cases” from Class 9 so the resulting identification of goods will read as:

Mobile phone cases; laptop cases, including bags, sleeves and pouches specially adapted for laptops; cases adapted for electronic equipment, namely, cases adapted for electronic diaries and portable media players; mobile phone accessories, namely, lanyards, pendants and charms all specially adapted for mobile phones; hands free kits for mobile phones; battery chargers for mobile phones; headphones; audio speakers; speakers, namely, bass speakers, loud speakers; audio equipment, namely, speakers; car audio speakers; personal stereos; stereo apparatus, namely, stereo tuners; stereo amplifiers; stereos,

namely, stereo receivers; computer docking stations; portable music player docking stations; mobile phone docking stations; MP3 player docking stations; mobile radio transmitting apparatus; earphones; sound generation apparatus, namely, portable media players; sound amplification apparatus, namely, amplifiers; sound reproduction apparatus; sunglasses and sunglasses cases.

Inasmuch as the amendment is limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the motion to amend is granted.¹ *See* Trademark Rule 2.133(a).

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

¹ The identifications of goods in unopposed Classes 14, 18, and 25 remain unchanged.