

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mt/DUNN

Mailed: July 6, 2016

Opposition No. 91223455

Color Image Apparel, Inc.

v.

Leah A. Lessard

By the Trademark Trial and Appeal Board:

On June 8, 2016, Applicant filed a proposed amendment to application Serial No. 86562444, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment Applicant seeks to amend the identification of goods from "Bathing caps; Head wear; Head wraps; Headbands; Rain hats; Shower caps; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Turbans" to "Bathing caps; Head wear; Head wraps; Headbands; Rain hats; Shower caps; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Turbans; ***all of the foregoing goods made in whole or in substantial part of microfiber textile and/or waterproof and gas permeable, breathable membrane***" in International Class 25.

¹ Applicant's answer and change of correspondence filed November 11, 2015 is noted.

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International Class 24 remain unchanged.

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.