

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

mw/vw

Mailed: March 31, 2016

Opposition No. 91224788

Vanity Fair, Inc.

v.

*Carmela Montgomery dba
Xkwizit Design Company*

By the Trademark Trial and Appeal Board:

On March 21, 2016, the parties filed a stipulated proposed amendment to the involved application Serial No. 86536129, 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 25. The current identification is as follows:

Clothing, namely, coats, dresses, shirts, skirts, shorts and hooded sweatshirts; footwear.

Applicant has proposed to amend the identification to the following:¹

Clothing, namely, coats, dresses, shirts, skirts, shorts and hooded sweatshirts; footwear, **expressly excluding undergarments, foundation garments, sleepwear and hosiery.**

¹ Underlining sets forth proposed wording to be added to the identification.

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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**.