

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mc/gcp

Mailed: May 17, 2016

Opposition No. 91225295

Stillwater Designs and Audio, Inc.

v.

SingTech, Inc.

By the Trademark Trial and Appeal Board:

On March 18, 2016, Applicant filed a proposed amendment to its application Serial No. 86478284, with Opposer's consent, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the drawing of its mark from "**KICK POWER**" to "**KICKPOWER.**" Applicant also seeks to amend the identification of goods in International Class 9 so that it reads as follows:

Cellular telephones; Tablets; Cellular telephone accessories, namely, battery chargers, ac adaptors, and ac chargers; car chargers that plug into a cigarette lighter adapter; travel battery chargers, rapid battery chargers; USB flash drives sold blank; USB chargers for mobile devices, namely, smart phones and tablets; cell phone cradle units; adaptor plugs that plug into a car cigarette lighter; batteries; electric cables; 3.5 auxiliary audio cables; cases for cellular telephones, tablet computers, pagers and GPS navigation devices; laptop protective cases; laptop and tablet protective covers and sleeves; computer styluses, video cameras, back packs especially adapted for holding laptops and tablets; messenger bags especially adapted for holding laptops and tablets, sports helmets, namely, bmx helmets, ski helmets, and motocross helmets.

The Board finds that Applicant's amendment of the drawing of its mark does not constitute a material alteration of Applicant's mark. Accordingly, the amendment of the drawing of Applicant's mark is APPROVED and ENTERED. Similarly, because the amendment of the identification of goods is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment to the identification of goods is also APPROVED and ENTERED. *See* Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement between the parties.¹

¹ The Board notes that the caption to Applicant's March 18, 2016, filing includes references to Opposition Nos. 91224524 and 91226130. These proceedings, however, are not subject to this opposition proceedings nor has there been a request to consolidate these proceedings to the instant proceeding. Accordingly, the Board has given no consideration to these references. Moreover, in light of this order, the Board's February 6, 2016, default notice, as well as the Board's March 18, 2016, default judgment, are hereby **VACATED**. Applicant's involved application will be revived in due course.