

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

TWW/kk

Mailed: April 22, 2003

Opposition No. 122,022

MUSCLETECH RESEARCH AND
DEVELOPMENT, INC.

v.

VITAQUEST INTERNATIONAL,
INC.

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On March 31, 2003, applicant filed a proposed amendment to its application Serial No. 75/828,663¹, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "dietary supplement" **to** "dietary supplement for male sexual performance, sexual endurance and prostate health."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

¹ Applicant's motion identifies the application to be amended as serial no. 75/828,633 in its caption. The Board assumes this is a typographical error and applicant intended to identify serial no. 75/828,663, as this serial no. is the involved application herein.

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).