

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

Ryan/Ricks

Mailed: July 3, 2003

Opposition No. 150,752

AMERICAN COUNCIL ON EXERCISE

v.

SHERWIN "ACE" ROSS

Before Karyn K. Ryan, Interlocutory Attorney
Trademark Trial and Appeal Board:

On May 28, 2003, applicant filed a proposed amendment to its application Serial No. 76/151,890, with opposer's consent¹.

By the proposed amendment applicant seeks to amend the identification of goods in **International class 25, to the following:**

"men's, women's, and children's wearing apparel, namely, bandanas, bathing suits, beach coverups, belts, blouses, body suits, boleros, boxer shorts, briefs, bustiers, camisoles, chemises, coats, leather coats, dresses, jackets, jeans, jumpers, jumpsuits, kerchiefs, leggings, leotards, lounge-wear, mini-skirts, overcoats, pajamas, panties, pants, pantsuits, pantyhose, ponchos, raincoats, shirts, dress shirts, undershirts, shorts, skirts, slacks, sleepwear, suits, sweaters, t-shirts, trousers, underpants, vests, and shoes, except for health and fitness related apparel and goods."

¹ The Board notes the filing of opposer's written consent (filed on June 12, 2003 under separate cover), which has been made of record in this proceeding.

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).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date set forth on page one 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).

Proceedings otherwise are **SUSPENDED** until further written notice by the Board.

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