

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: July 13, 2004

Opposition No. **91156891**

Homer TLC, Inc. and Home Depot
U.S.A., Inc.

v.

The New Sioux City Iron
Company

Andrew P. Baxley, Interlocutory Attorney:

On March 19, 2004, the Board issued an order wherein it noted the withdrawal of the opposition (with applicant's written consent) that opposer filed on February 27, 2004 and, accordingly, dismissed the above-captioned opposition without prejudice. See Trademark Rule 2.106(c). On April 12, 2004, applicant filed a proposed amendment to the mark and recitation of services of involved application Serial No. 78116332.

The above-captioned proceeding remains dismissed without prejudice. The involved application will be forwarded to the examining attorney for consideration of the proposed amendment.