

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

acampbell

Mailed: March 9, 2004

Opposition No. 91157001

Ares Trading S.A.

v.

Wilbur-Ellis Company

On January 6, 2004<sup>1</sup>, the parties filed applicant's proposed amendment to its application Serial No. 76365442, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods **from** "micro encapsulated pesticides for agricultural, commercial, industrial, and forestry uses" **to** "micro encapsulated pesticides for agricultural, commercial, industrial, and forestry uses, excluding pharmaceuticals for human and veterinary uses."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer

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<sup>1</sup>On October 22, 2003, opposer filed a consented motion to suspend proceedings pending settlement negotiations. This motion is granted.

consents thereto, it 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.

***By the Trademark Trial  
and Appeal Board***