

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

acl

Mailed: February 18, 2005

Opposition No. 91160366

J. Kinderman & Sons, Inc.

v.

Intermatic Incorporated

Andrew P. Baxley, Interlocutory Attorney:

On February 8, 2005, applicant filed a proposed amendment to its application Serial No. 78192919, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "electric outdoor lights and accessories therefore [sic]" **to** "electric outdoor lights and accessories therefore [sic], excluding Christmas light sets and electric holiday lights."

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 of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended and opposer's

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time to respond to applicant's motion to compel discovery will be reset. See Trademark Rule 2.106(c).