

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

am

Mailed: September 14, 2005

Opposition No. 91161577

American Council on Exercise

v.

ACE INTERNATIONAL BEAUTY,
INC.

Nancy L. Omelko, Interlocutory Attorney:

On September 13, 2005, applicant filed a corrected proposed amendment to its application Serial No. 76367633.

By the proposed amendment applicant seeks to change the identification of goods **from** "clothing, namely shirts, pants, skirts, dresses; footwear and headgear, namely hats and caps" **to** "clothing, namely shirts, pants, skirts, dresses; footwear and headgear, namely hats and caps and not in the area of health, fitness and nutrition."

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).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

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