

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

Cataldo/Ricks

Mailed: October 6, 2005

Opposition No. 91164373

SHURFINE FOODS, INC.

v.

IMS, Inc.

On September 29, 2005, the parties filed applicant's proposed amendment to its application Serial No. 78072994, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods in International class 21, **from** "disposable latex gloves for general use" **to the following:** "disposable gloves not sold in grocery, drug or convenience stores."

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***