

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

Baez

Mailed: August 16, 2005

Opposition No. 91165542

New England Patriots L.P.
and NFL Properties LLC

v.

D.M. Merchandising, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On August 9, 2005, applicant filed a proposed amendment to its application Serial No. 78383572, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "costume jewelry" **to** "costume jewelry, excluding jewelry with sports indicia."

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. See Trademark Rule 2.106(c).

Proceedings are otherwise suspended.