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

nmt

Mailed: September 10, 2008

Opposition No. 91166972

Phi Sciences

v.

25 Market Share, LLP

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On August 22, 2008, the parties filed applicant's proposed amendment to its application Serial No. **78413122**, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods as follows.

CLASS 3

from

Cosmetic suntanning preparations; suntanning preparations

to

Indoor tanning preparations ***sold primarily at tanning salons for use in indoor tanning salons.***[1]

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

[1] The language in bold-italics is added.

consents thereto, it is approved and entered. *See* Trademark Rule 2.133(a).

The parties also indicate that, as a condition of settlement, opposer's pending application Serial No. 76652819 is to be allowed. The Board does not have jurisdiction over such application which, according to USPTO records, is suspended before the Examining Operation. Opposer should submit any appropriate consent to register to the Examining Attorney assigned to its application.

Proceedings are suspended for six months to allow opposer to submit for consideration appropriate documentation to the Examining Attorney assigned to Serial No. 76652819. In the event opposer's application is not allowed, proceedings herein will be resumed, with the discovery period reset, on the merits based on the application as amended.

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