

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

JST/MBA/MT

Mailed: June 14, 2007

Opposition No. 91167868

Sulzer Management AG

v.

Eaton Corporation

On April 26, 2007, the parties filed a stipulated motion to suspend proceedings, amend application and dismiss opposition, in which applicant proposed an amendment to its application Serial No. 78438487, with opposer's consent, and opposer moved to withdraw the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods from "clutch surface lining and pads for machines; brake surface lining and pads for machines; synchronizer surface lining and pads for machines; differential surface lining and pads for machines" to "clutch surface lining and pads of pyrolitic carbon friction material for machines; brake surface lining and pads of pyrolitic carbon friction material for machines; synchronizer surface lining and pads of pyrolitic carbon friction material for machines; differential surface lining and pads of pyrolitic

carbon friction material for machines" in Class 7; and from "clutch surface lining and pads for land vehicles; brake surface lining and pads for land vehicles; surface lining and pads for use in a vehicle transmission synchronizer; surface lining and pads for use in a vehicle differential" to "clutch surface lining and pads of pyrolitic carbon friction material for land vehicles; brake surface lining and pads of pyrolitic carbon friction material for land vehicles; surface lining and pads of pyrolitic carbon friction material for use in a vehicle transmission synchronizer; surface lining and pads of pyrolitic carbon friction material for use in a vehicle differential" in Class 12.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), 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 with prejudice in accordance with the agreement between the parties.¹

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

¹ The parties request to suspend proceedings pending a ruling on the proposed amendment is moot.