

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

tlc/DUNN

Mailed: September 29, 2009

Opposition No. 91180136

CALIFORNIA CLOSET COMPANY,
INC.

v.

LA-LA IMPORTS LP

On August 21, 2009, the parties filed applicant's proposed amendment to its application Serial No. 77039733, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment. The application includes five classes of goods, and five classes were opposed. Since the proposed amendment addresses only two classes, the other three classes (Int. Cl. 12, 21, and 28) remain unchanged.

By the proposed amendment applicant seeks to change the identification of goods in classes 6 and 20 from:

International Class 6: General purpose metal storage containers; general purpose metal storage units; metal hanging baskets; metal cutlery baskets; baskets of common metals; metal sink baskets

International Class 20: Hampers; shelving; shelving and component parts thereof, namely shelves and brackets sold

as a unit; shelving, namely, wire stacking shelves and shelf organizers; wardrobes; storage systems comprising shelves, drawers, cupboards, baskets and clothes rods, sold as a unit; plastic storage containers for commercial or industrial use; storage racks; general purpose metal storage racks; metal garment racks; wrapping paper racks and bag racks; plate racks; pot racks; wine racks; furniture; sink mats; shoe racks; dividers for drawers

to:

International Class 6: metal hanging baskets; metal cutlery baskets; baskets of common metals; metal sink baskets

International Class 20: sink mats

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 in accordance with the agreement between the parties.

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