

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

nmt

Mailed: August 14, 2009

Opposition No. 91188573

Fitz-Wright Company Ltd.

v.

Downwind, Inc.

Ann Linnehan, Interlocutory Attorney

On August 6, 2009, applicant filed a proposed amendment to its application Serial No. 77420437, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in International Class 25 as follows:¹

from

"Wetsuits, rashguard shirts, rashguard shorts, beanies, visors, hats, head bands, shirts, shorts and tee shirts"

to

"Beanies, visors, hats, head bands, shirts, shorts and tee shirts."

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

¹ The goods in International Class 28 remain unchanged.

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).