

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

vb

Mailed: December 3, 2009

Opposition No. 91192083

Intervet Inc.

v.

Kelheim Fibres GmbH

Ann Linnehan, Interlocutory Attorney

On November 20, 2009, the parties filed a proposed amendment to its application Serial No. 79048858, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in the opposed Class 5 **from:**

"Medical plaster, adhesive tape for medical purposes, medical tapes for bandaging, medical plasters for calluses, corn plaster and medical plasters with dermatological agents, rheumatism-, kidney- and pain-relief medical plasters; sanitary napkin, surgical dressings, padded bandages; instant wound dressing, lint, gauze and wound dressing, medicated compresses, cotton swabs for medical purposes; tampons, gauze bandages, products made out of cellulose and/or cellulose wadding for female hygiene purposes, namely, sanitary towels, sanitary panty liners, sanitary tampons, sanitary pads; absorbent sanitary pads for women after childbirth; cotton for medical purposes; cotton and cotton products for medical and hygiene purposes, namely, cotton buds, absorbent cotton, antiseptic cotton, cotton swabs, cotton balls, cotton pads and cotton reels; cotton cloth for medical and hygiene purposes namely, medicated pre-moistened wipes, pre-moistened medicated wipes, sanitizing wipes; tissues impregnated with medical preparations for medical and hygiene purposes made out of paper and/or cellulose, namely, medicated pre-moistened wipes,

pre-moistened medicated wipes; adult diapers, sanitary napkins, panty liners and absorbent incontinence pads for the ill and people suffering from incontinence; cellulose cloth for the treatment and cleaning of wounds, bandages for dressings and surgical use, and gauze".

To:

"Medical plaster, adhesive tape for medical purposes, medical tapes for bandaging, medical plasters for calluses, corn plaster and medical plasters with dermatological agents, rheumatism-, kidney-and pain-relief medical plasters; sanitary napkin, surgical dressings, padded bandages; instant wound dressing, lint, gauze and wound dressing, medicated compresses, cotton swabs for medical purposes; tampons, gauze bandages, products made out of cellulose and/or cellulose wadding for female hygiene purposes, namely, sanitary towels, sanitary panty liners, sanitary tampons, sanitary pads; absorbent sanitary pads for women after childbirth; cotton for medical purposes; cotton and cotton products for medical and hygiene purposes, namely, cotton buds, absorbent cotton, antiseptic cotton, cotton swabs, cotton balls, cotton pads and cotton reels; cotton cloth for medical and hygiene purposes namely, medicated pre-moistened wipes, pre-moistened medicated wipes, sanitizing wipes; tissues impregnated with medical preparations for medical and hygiene purposes made out of paper and/or cellulose, namely, medicated pre-moistened wipes, pre-moistened medicated wipes; adult diapers, sanitary napkins, panty liners and absorbent incontinence pads for the ill and people suffering from incontinence; cellulose cloth for the treatment and cleaning of wounds, bandages for dressings and surgical use, and gauze; specifically excluding goods for veterinary or animal health use".

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).

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 remain suspended.¹



¹ The unopposed Class 22 remain unchanged.