

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

lg/gcp

Mailed: August 12, 2010

Opposition No. 91194909

Bollman Hat Company

v.

Supreme Corporation

On July 6, 2010, the parties filed (1) applicant's proposed amendment to its application Serial No. 77810744, with opposer's consent, (2) opposer's withdrawal of the opposition without prejudice with applicant's written consent, contingent upon entry of the amendment, and (3) applicant's withdrawal of its asserted counterclaims without prejudice with opposer's written consent, also contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment applicant seeks to change the identification of goods in International Classes 17 and 25 as follows:

**International Class 17 from:**

Insulating polymeric shells, namely, macro and micro capsules containing phase change material used for thermal regulation in the manufacture of clothing, footwear and headgear.

**to:**

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<sup>1</sup> Applicant's answer and counterclaims filed June 14, 2010 is noted.

Insulating polymeric shells, namely, macro and micro capsules containing phase change material used for thermal regulation in the manufacture of clothing and footwear.

**International Class 25 from:**

Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Moisture-wicking sports shirts; Short-sleeved or long-sleeved t-shirts; T-shirts; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Wearable garments and clothing, namely, shirts

**to:**

Athletic apparel, namely, shirts, pants, jackets, footwear and athletic uniforms; Moisture-wicking sports shirts; Short-sleeved or long-sleeved t-shirts; T-shirts; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Wearable garments and clothing, namely, shirts.

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 and applicant's withdrawals having now been met, the opposition and corresponding counterclaims are dismissed without prejudice.

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