

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

RA

Mailed: April 14, 2014

Opposition No. 91212040

JAX INC.

v.

Afton Chemical Corporation

Ann Linnehan, Attorney

On March 18, 2014, applicant filed a proposed amendment to its application Serial Nos. 85835184 and 85835199, with opposer's consent. On the same day, applicant filed a withdrawal of its counterclaim with prejudice, with opposer's consent. In view thereof, the counterclaim is dismissed with prejudice.

By the proposed amendment applicant seeks to amend the identification of goods in Class 1 from,

from "Chemical additives for lubricants; Chemical additives for oils; Hydraulic fluid

to "Chemical additives for lubricants, excluding antimicrobial additives; Chemical additives for oils, excluding antimicrobial additives; Hydraulic fluid, excluding antimicrobial additives."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, 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).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.