

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RA/DUNN

Mailed: August 15, 2015

Opposition No. 91220540

*COATEX*

*v.*

*Ecolab USA Inc.*

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

On July 14, 2015, Applicant filed a proposed amendment to application Serial No. 86238888, with Opposer's consent, and Opposer filed a withdrawal without prejudice of the opposition, which the Board construes to be contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the identification of goods in Classes 1 and 35 as follows:

from "Chemicals for use in industry" in Class 1

to "Chemicals for use in industry exclusively for use in the coal industry for the purpose of treating the run-off water from coal manufacturing process in order to remove pollutants" in Class 1

from "Business consultation services" in Class 35

to "Business consultation services exclusively for use in the coal industry for the purpose of treating the run-off water from coal manufacturing process in order to remove pollutants" in Class 35.

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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).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.