

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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vw/KWM

Mailed: October 24, 2017

Opposition No. 91234988

Speedo International Limited

v.

The Hilsinger Company

By the Trademark Trial and Appeal Board:

On October 4, 2017, Applicant filed a proposed amendment to its involved application Serial No. 86852800, with Opposer's written consent.¹ On October 16, 2017, Opposer filed a withdrawal of the opposition with prejudice. By the proposed amendment, Applicant seeks to amend the identification of goods in International Classes 9, 10 and 28 as follows (additions shown in **bold** and deletions shown in strikethrough):²

International Class 9

From: ~~Eyewear; Eyeglasses; Sunglasses; Protective and safety eyewear; Face protection shields; Swimming goggles; Swimming masks; Soft and hard eyewear cases; Eyewear holders, namely, eyeglass lanyards and eyewear retainers; Eyewear cords; Eyewear retaining~~

¹ Although both parties signed the motion, it fails to indicate proof of service on Opposer via email, signed by counsel, as required by Trademark Rule 2.119. In order to expedite this matter, Opposer is directed to the following URL where it may view a copy of the filing: <http://ttabvue.uspto.gov/ttabvue/v?pno=91234988&pty=OPP&eno=7>.

² The unopposed goods in International Classes 1 and 3 are to remain unchanged.

ords; Parts and accessories for ophthalmic mountings, namely, nose pads, nose pad arms, temples, decorative charms for eyewear, eyewear frames and temple covers in the nature of replaceable and removable plastic sleeves; Sports helmets; ~~Sports eyewear; Snorkels;~~ Protective face-shields for protective helmets; Protective gloves for industrial use; Sport goggles for use in football, basketball, lacrosse, soccer, baseball, field hockey; motorcycle goggles and safety goggles for automotive use; Side guards for eyeglasses; ~~Sports eyeshields, namely, sports eyewear; Swimming equipment, namely life buoys; Nose clips for swimming; Weight belts for scuba diving.~~

To: Optical lenses; safety eyewear; Soft and hard eyewear cases; Eyewear holders, namely, eyeglass lanyards and eyewear retainers; Eyewear cords; Eyewear retaining cords; Parts and accessories for ophthalmic mountings, namely, nose pads, nose pad arms, temples, decorative charms for eyewear, eyewear frames and temple covers in the nature of replaceable and removable plastic sleeves; Sports helmets; Protective face-shields for protective helmets; Protective gloves for industrial use; Sport goggles for use in football, basketball, lacrosse, soccer, baseball, field hockey; motorcycle goggles and safety goggles for automotive use; Side guards for eyeglasses.

International Class 10

From: Protective optical equipment for medical use, namely, eye protectors for eye protection during and after surgery; Protective eyeguards for medical use, namely, transparent face shields and eye shields for use in the medical and dental fields; Protective optical visors for medical use, namely, visors for use during and after surgery; Human face protectors, namely, transparent face shields for use in the medical and dental fields; ~~Ear plugs for swimming.~~

To: Protective optical equipment for medical use, namely, eye protectors for eye protection during and after surgery; Protective eyeguards for medical use, namely, transparent face shields and eye shields for use in the medical and dental fields; Protective optical visors for medical use, namely, visors for use during and after surgery; Human face protectors, namely, transparent face shields for use in the medical and dental fields.

International Class 28

From: ~~Swimming equipment, namely, finger paddles, hand paddles, arm paddles, pull buoys for recreational use, kick boards, swimming belts, swimming fins, diving fins, swimming flippers; Floats for recreational~~

~~use, namely, swim floats and arm floats; Balls for games; In-line skates; Roller skates; Ice skates; Ring buoys for recreational use; Swimming gloves; Exercise equipment, namely, free weights, stretch resistance bands and aquatic fitness barbells; Floating toys, namely, inflatable pool toys; Dive sticks for use in fishing; Swimming rings and tossing disc toys; Sports eyeshields, namely, athletic sporting goods in the nature of under-eye grease for reducing glare; Snow shoes.~~

To: Balls for games; In-line skates; Roller skates; Ice skates; Exercise equipment, namely, free weights **and** stretch resistance bands; Dive sticks for use in fishing; Sports eyeshields, namely, athletic sporting goods in the nature of under-eye grease for reducing glare; Snow shoes.

Inasmuch as the amendments are limiting in nature, as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

Applicant also requests to delete International Class 25 in its entirety. In an opposition to an application having multiple classes, if the applicant files a request to amend the application to delete an opposed class, the request for amendment is, in effect, an abandonment of the application with respect to that class, and is governed by Trademark Rule 2.135. In view thereof, and because Opposer has provided its written consent, application Serial No. 86852800 stands abandoned with respect to International Class 25.

In view of Opposer's withdrawal, the opposition is **dismissed** with prejudice.