

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

ey/KWM

Mailed: July 5, 2018

Opposition No. 91238305

*Carl Zeiss Meditec AG and Carl Zeiss AG*

*v.*

*Motic China Group Co., Ltd.*

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

On April 30, 2018, Applicant filed a proposed amendment to application Serial No. 87395101 with Opposer's consent. On May 1, 2018, Opposer filed a withdrawal without prejudice of the opposition with Applicant's consent, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 9 in the subject application as follows (proposed deletions shown in bold, strikethrough; proposed additions shown in bold, underline):

Apparatus and instruments for conveying, distributing, transforming, storing, regulating or controlling electric current; Cameras; Car navigation computers; Computer operating programs, recorded; Computer peripheral devices; Depth gauges; Educational apparatus, namely, manipulative blocks used as teaching aids for the visualization of math concepts; Laboratory apparatus and

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<sup>1</sup> Although a notice of default had not been mailed by the Board, Applicant was in technical default inasmuch as it did not file an answer or a motion to extend its time to answer by the March 25, 2018 deadline, as last reset in the Board's February 22, 2018 order. *See* Trademark Rule 2.106(a); TBMP § 312.01. The Board considers the parties' consented motions to amend, withdraw, and suspend as a waiver of the technical default. MISCELLANEOUS CHANGES TO TRADEMARK TRIAL AND APPEAL BOARD RULES, 81 Fed. Reg. 69,950, 69,952 (October 7, 2016).

instruments, namely, pre-packed columns for use in chemical synthesis; **Microscopes Upright compound microscope**; Optical apparatus and instruments, namely, optical ports for underwater photography, dome ports for underwater photography, wet diopters, adapter lenses for underwater photography

Inasmuch as the amendment is 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.<sup>2</sup>

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<sup>2</sup> In view of the dismissal, Applicant's consented motion to suspend filed April 30, 2018 is moot.