

UNITED STATES PATENT AND TRADEMARK OFFICE  
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Am/kb

March 9, 2021

Opposition No. 91254554

*Clark Capital Management Group, Inc.*

*v.*

*Capital One Financial Corporation*

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

On March 5, 2021, Applicant filed a proposed amendment to application Serial No. 88307765, with Opposer's consent, and Opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of services in International Class 36 as follows: (proposed additional language indicated in **bold type font**)

**From:** Automobile lending services, namely, installment loans; providing information about automobile financing; providing an Internet website portal for use in obtaining automobile loans; providing an Internet website portal for use in automobile financing; providing an Internet website portal for use by automobile dealers to assist customers in obtaining automobile loans and for generating financial leads

**To:** Automobile lending services, namely, installment loans; providing information about automobile financing; providing an Internet website portal for use in obtaining automobile loans; providing an Internet website portal for use in automobile financing; providing an Internet website portal for use by automobile dealers to assist customers in

**obtaining automobile loans and for generating financial leads, specifically excluding any good or service used for investment advisory, investment consulting, asset allocation, wealth management, or financial planning services, including annuities, stocks, bonds, and mutual funds and mutual fund distribution**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered.<sup>1</sup> See Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed with prejudice.

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<sup>1</sup> The identification of goods and services in International Classes 9 and 42 remains unchanged.