

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
General Email: TTABInfo@uspto.gov

mbm/Bukrinsky

December 2, 2020

Opposition No. 91256362

Masonite International Corporation

v.

Trex Commercial Products, Inc.

Opposition No. 91256367

Masonite Corporation

v.

Trex Commercial Products, Inc.

By the Trademark Trial and Appeal Board:

On November 2, 2020, Applicant filed a consented motion to set aside the notice of default in Opposition No. 91256367. The motion is **granted** and the notice of default is set aside. *See* Trademark Rule 2.127(a).

On November 10, 2020, Applicant filed an identical proposed amendment¹ to its Application Serial No. 88700253 in Opposition Nos. 91256362 and 91256367.

¹ Applicant's amendment does not indicate proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. A copy of the amendment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

Opposers in both proceedings consented to the amendment, and agreed to withdraw their respective opposition with prejudice contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods as follows (added text in **bold**):

From: prefabricated stage enclosure system for performances, namely, acoustical shells composed primarily of non-metal acoustical panels assembled to blend and reflect sound energy towards audiences

To: prefabricated stage enclosure system for performances, namely, acoustical shells composed primarily of non-metal acoustical panels assembled to blend and reflect sound energy towards audiences **marketed in business to business channels only to theatrical and entertainment venues or theatrical consultants.**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because both opposers consent thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in both opposers' withdrawal having now been met, Opposition Nos. 91256362 and 91256367 are dismissed with prejudice.