

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/am

June 28, 2022

Opposition No. **91266358**

Abercrombie & Fitch Trading Co.

v.

Phenix Salon, LLC

By the Trademark Trial and Appeal Board:

On February 20, 2022, Applicant filed a second proposed amendment to **Application Serial No. 87430079** and Opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment.¹ The written consent of each party is noted.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 3 as follows (additions bolded):

From: Hair spray; in International Class 3.

To: Hair spray; **the foregoing sold in the provider's own retail stores;** in International Class 3.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, it is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

¹ 23 TTABVUE.

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

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