

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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ey/RSC

August 3, 2022

Opposition No. 91270335

DivX, LLC

v.

Clvrly Learning, Inc.

By the Trademark Trial and Appeal Board:

On July 21, 2022, Opposer filed Applicant's proposed amendment to application Serial No. 90130514 with Opposer's consent, and Opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the recitation of services in International Class 42, as follows (proposed wording to be added is shown in bold font):

From: Software as a service (SAAS) services featuring software for managing virtual reality devices in real time

To: Software as a service (SAAS) services featuring software for managing virtual reality devices in real time; **all of the aforesaid excluding services related to software for creating, editing, uploading, and maintaining images, videos, and multimedia content**

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

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