

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](mailto:TTABInfo@uspto.gov)

tdc/jmm

December 29, 2022

Opposition No. 91273401

*Continental D.I.A. Diamond Products, LLC*

*v.*

*Wiha Werkzeuge GmbH*

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

On November 21, 2022, Applicant filed a proposed amendment to its application Serial No. 79297637, 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 identification of goods in International Class 8 as follows (proposed additions shown in bold):

FROM:

Hand-operated tools and implements for treatment of materials, for construction, repair and maintenance, namely, screwdrivers, nut drivers, grip drivers, screwdriver handles, screwdriver bit holders, screwdriver bits, screwdriver bit sets, screwdriver bit sockets, countersinks and nut setters

TO:

Hand-operated tools and implements for treatment of materials, for construction, repair and maintenance, namely, screwdrivers, nut drivers, grip drivers, screwdriver handles, screwdriver bit holders, screwdriver bits, screwdriver bit sets, screwdriver bit sockets, countersinks and nut setters, **excluding cutting tools, saw blades, grinding wheels, bits for power drills, router bits, fiberglass**

**rods, wet and dry core drills, polishing wheels, polishing pads, air-operated hand sanders/polishers, abrasives, and computer numerical control (CNC) machine tools and accessories, namely, saw blades, drill bits, core bits, milling bits, edge profile bits, grinding wheels and breaker wheels**

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).

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