

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WINTER/kk

April 19, 2023

Opposition No. 91275024

The Comphy Co.

v.

Tri-Knit Textile Company Limited

By the Trademark Trial and Appeal Board:

On April 10, 2023, based on the parties' settlement agreement, Opposer filed the parties' stipulation comprised of a proposed amendment¹ to opposed application Serial No. 90700327 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 goods as follows (additions in bold, deletions in strike through):

From: ~~Curtains; Curtains of textile or plastic; Knitted fabrics; Non-woven fabrics and felts; Textile fabrics for home and commercial interiors;~~ **Fabrics for textile use;** Textile fabrics for the manufacture of

¹ Opposer's filing does not include proof of service. Regardless of whether the parties have stipulated to a particular submission, Trademark Rule 2.119(a) requires that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. See TBMP § 113.02. The Board may decline to read or consider any future submission filed by Opposer in this proceeding which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. See also TBMP § 113.04. The submission may be accessed via TTABVUE at: <https://ttabvue.uspto.gov/ttabvue/>.

clothing; Woven fabrics; Woven fabrics and knitted fabrics; ~~Indoor and outdoor curtains~~

To: Fabrics for textile use; Non-woven fabrics and felts; Textile fabrics for the manufacture of clothing; Woven fabrics; Woven fabrics and knitted fabrics; **all the foregoing not related to finished linens and bedding products**

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.²

² The parties' stipulation to suspend is accordingly moot.