

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ajl/lw

April 1, 2024

Cancellation No. 92083621

*Milwaukee Electric Tool Corporation*

*v.*

*Skyline Apparel Group LLC*

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

On March 12, 2024 the Board issued an order allowing Respondent thirty days to file a revised motion to amend the involved registration,<sup>1</sup> submit the fee provided for in Trademark Rule 2.6(a)(11)(ii), 37 C.F.R. § 2.6(a)(11)(ii), and submit a declaration in support of the amendment as required under Trademark Rule 2.173(b)(2), 37 C.F.R. § 2.173(b)(2).

On March 19, 2024, Respondent filed the parties' stipulated revised motion to amend Registration No. 6160274 with the fee provided for in Trademark Rule 2.6(a)(11)(ii) and a declaration in support of the proposed amendment, and

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<sup>1</sup> The involved registration, Registration No. 6160274, issued on September 22, 2020 under Trademark Act Section 1(a), 15 U.S.C. § 1051(a).

withdrawal of the cancellation with prejudice, contingent upon entry of the amendment.<sup>2</sup>

By the proposed amendment, Respondent seeks to amend the identification of goods in International Class 25 as follows (deletions are indicated in ~~strikethrough~~):

**From:** Clothing, namely, ~~pants, jackets, shirts, headwear, underwear, footwear, lingerie, thermal underwear, thermal tops, thermal pants, thermal shirts, knit tops, knit pants, knit shorts, knit t-shirts, pajamas, fleeee tops, fleeee pants, fleeee shirts, fleeee jackets, athletic tops, athletic pants, athletic shorts, athletic jackets, socks, tights, stockings, leggings, infant wearable blankets, loungewear, sweaters, sweatshirts, and pullover jackets~~

**To:** Clothing, namely, athletic tops, athletic pants, athletic shorts

The amendment complies with the requirements of Trademark Rule 2.173, 37 C.F.R. § 2.173, and is limiting in nature. Moreover, Petitioner consents thereto. Accordingly, the amendment is approved. *See* Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a).

The approved amendment consists only of the deletion of goods from the identification of goods, and the approved amendment is filed prior to submission of an affidavit under Trademark Act Section 8, 15 U.S.C. § 1058.<sup>3</sup> An amendment to a registration filed prior to submission of an affidavit under Section 8 or Section 71 of the Trademark Act no longer requires a fee when the amendment consist only of the deletion of goods, services, and/or classes. *See* 37 C.F.R. §2.6(a)(11)(iii) (setting fee for

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<sup>2</sup> 13 TTABVUE. Respondent's duplicate submission of is March 19, 2024 revised motion to amend, 14 TTABVUE, is given no consideration.

<sup>3</sup> In view of the date of issuance of the amended registration, submission of an affidavit under Section 8 is not yet available. *See* 15 U.S.C. § 1058(a).

complying amendments at \$0.00); *see also* TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1609.03 (2023). In view thereof, a refund of any fees paid under Trademark Rule 2.6(a)(11)(ii) will be made in due course.<sup>4</sup>

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.<sup>5</sup>

The contingency in Petitioner's withdrawal having now been met, the petition to cancel is dismissed with prejudice in accordance with the agreement between the parties.

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<sup>4</sup> The Board apologizes for not advising the parties of possible applicability of Trademark Rule 2.6(a)(11)(iii) in its March 12, 2024 order.

<sup>5</sup> A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.