

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

King

Mailed: February 27, 2003

Opposition No. 118,685

Cancellation No. 31,411

Saratoga Beverage Group,  
Inc. and Saratoga Spring  
Water Company, joined as a  
plaintiff<sup>1</sup>

v.

Sarasoda, Inc.

**Albert Zervas, Interlocutory Attorney**

On June 6, 2002, applicant/respondent filed a proposed amendment to its application Serial No. 75/447,627 and on October 1, 2002 (via facsimile at the request of the Board),<sup>2</sup> applicant/respondent filed a proposed amendment to its Registration No. 2,326,908.

On February 12, 2003, opposer/respondent consented to the proposed amendments.

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<sup>1</sup> In view of the assignment of the marks asserted by opposer/petitioner, recorded at Reel No. 2453, Frame No. 0120, Saratoga Spring Water Company is joined as a party plaintiff to this proceeding. See TBMP Section 512.01 and cases cited therein.

<sup>2</sup> The facsimile copy of the October 1, 2002 motion contains a certificate of mailing dated June 4, 2002.

By the proposed amendments, applicant/respondent seeks to change the identification of goods in class 32 **from** "soft drinks" **to** "soft drinks, not including bottled water or clear flavored water products, whether carbonated or still."

The amendments are approved and entered.

If this resolves the dispute herein, opposer/petitioner is allowed until **thirty days** from the mailing date of this order to file a withdrawal of the opposition and cancellation, failing which the opposition and cancellation will go forward on the application and registration as amended. See Trademark Rule 2.106(c).