

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

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Mailed: March 22, 2004

Opposition No. 91152705

Jeneil Biotech, Inc.

v.

Nature Soy, Inc.

Albert Zervas, Interlocutory Attorney

On March 1, 2003, applicant filed a proposed amendment to its application Serial No. 76154423, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "tofu, fried soybean, soy-based food beverage used as a milk substitute, soy pudding, margarine, milk, cream, yogurt, cheese, cottage cheese, butter" **to** "soy and soy-based finished goods sold to retailers, distributors and food service operations, namely, tofu, fried soybean, soy-based food beverage used as a milk substitute, soy pudding, margarine, milk, cream, yogurt, cheese, cottage cheese, butter."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Additionally, on November 19, 2003, opposer filed a motion to suspend proceedings "pending acceptance" of opposer's application Serial No. 76442724.<sup>1</sup> In view of paragraph 7 of "the Trademark Co-Existence and Consent Agreement signed by both parties," which was filed on November 28, 2003, proceedings are suspended pending registration of application Serial No. 76442724.

The parties are ordered to inform the Board within twenty days of learning of registration or final disposition of application Serial No. 76442724.

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<sup>1</sup> Opposer's motion to suspend does not show proof of service of the motion on applicant's attorney of record. Opposer is allowed until **twenty days** from the mailing date of this order to serve a duplicate copy of its motion to suspend on applicant's attorney of record. Strict compliance with Trademark Rule 2.119 regarding service of papers is required with all papers filed with the Board.