

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

AL/kk

Mailed: April 23, 2007

Opposition No. 91166451

Yoplait Marques
Internationales

v.

Nutri/System IPHC, Inc.

Angela Lykos, Interlocutory Attorney

On April 10, 2007, applicant filed a proposed amendment to its application Serial Nos. 78975262 and 78978127, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in:

-Serial No. 78975262 from "Breakfast, lunch and dinner entrees, and snacks containing meat, fish and poultry, eggs, milk and milk products, namely, cream cheese spread, cheese spread, cottage cheese, sour cream, dried and cooked fruits and vegetables, jellies, sauces, namely, applesauce, snack dips and soups; protein based nutrient-dense snack bars, yogurts" **to** "Breakfast, lunch and dinner entrees, and snacks containing meat, fish and poultry, eggs, milk and milk products, namely, cream cheese spread, cheese spread, cottage cheese, sour cream used in conjunction with a weight management program, dried and cooked fruits and vegetables,

jellies, sauces, namely, applesauce, snack dips and soups; protein based nutrient-dense snack bars;" and

-Serial No. 78978127 from "milkshakes, puddings, breakfast, lunch, dinner entrees, snacks and desserts, namely, cereals, cereal bars, namely, ready to eat, cereal derived food bars, muffins, breads, dessert bars, namely, brownies, coffee flavored dessert bars, chocolate crunch bars, peanut butter, caramel and mint chewy chocolate bars, fruit bars, nut bars, rice, sauces, namely, salsas and tomato sauces, gravies, salad dressings, frozen bars and ices, namely fudge bars, creamsicles and ice pops, food beverages with a coffee, tea or cocoa base, namely, coffee based beverages containing milk, cocoa based beverages containing milk, iced teas" **to**

"Milkshakes and puddings used in conjunction with a weight management program, breakfast, lunch, dinner entrees, snacks and desserts, namely, cereals, cereal bars, namely, ready to eat, cereal derived food bars, muffins, breads, dessert bars, namely, brownies, coffee flavored dessert bars, chocolate crunch bars, peanut butter, caramel and mint chewy chocolate bars, fruit bars, nut bars, rice, sauces, namely, salsas and tomato sauces, gravies, salad dressings, frozen bars and ices, namely fudge bars, creamsicles and ice pops, food beverages with a coffee, tea or cocoa base, namely, coffee based beverages containing milk, cocoa based beverages containing milk, iced teas".

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).

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

It is noted that application Serial Nos. 78978127 and 78978128 (child cases) have been divided from their parent case Serial No. 78975262, and have been added to this opposition proceeding. Applicant has not filed an amendment for Serial No. 78967128.