

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

Mailed: December 8, 2006

Opposition No. 91167151

Flowers Bakeries Brands,
Inc.

v.

Independent Marketing
Alliance LP

Frances S. Wolfson, Interlocutory Attorney:

On October 20, 2006, applicant filed a proposed amendment to its application Serial No. 78432642, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "Deli meats; cooked deli items, namely, soups, and vegetables; cheese; refrigerated salads except macaroni, rice, and pasta salad; pickles; bagged potato chips, frozen soups; frozen entrees, namely, entrees consisting primarily of meat, fish, poultry or vegetables; Deli mustard; cooked deli items, namely, sandwiches " **to** "Deli meats; cooked deli items, namely, soups; cheese; refrigerated salads except macaroni, rice, and pasta salad; pickles; bagged potato chips, frozen soups; frozen entrees, namely, entrees consisting primarily of meat, fish, poultry or vegetables."

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). Please note that because opposer's written consent to the abandonment is not of record, that *with respect to goods of Class 30 only*, judgment is hereby entered against applicant, the opposition is sustained and registration is refused. See Trademark Rule 2.135; TBMP § 602.01 (2d ed. rev. 2004).

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).

Opposer's consented motion (filed September 20, 2006) for leave to amend the notice of opposition is hereby granted.