

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

MBA

Mailed: May 25, 2007

Opposition No. 91170166

Frito-Lay North America,
Inc.

v.

Productos Chachitos, S.A. de
C.V.

Jyll S. Taylor, Administrative Trademark Judge:

On May 18, 2007, applicant filed a proposed amendment to its application Serial No. 78512471. Although applicant did not specifically assert opposer's consent to the proposed amendment, applicant states that it "believes this amendment will satisfy the terms of a Settlement Agreement between Registrant and Applicant which will be filed with the Board in due course." The Board therefore construes this statement as opposer's consent to the proposed amendment.¹

By the proposed amendment applicant seeks to change the identification of goods in the application from "cereals made of wheat" to "breakfast cereals made of wheat."

The amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because the Board assumes that

¹ If the Board's assumption is incorrect, opposer is instructed to so inform the Board within **thirty days** of the mailing date of this order.

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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).
