

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

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Mailed: May 23, 2007

Opposition No. 91175793

Ecolab Inc.

v.

Roland C. Aloia

Linda Skoro, Interlocutory Attorney

On May 10, 2007, applicant filed a proposed amendment to its application Serial No. 78802314, with opposer's consent.

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

"Animal feed additive for use as a nutritional supplement; Animal feed supplements; Antimicrobial preparations for inhibiting microbiological decomposition in food, beverages, animal feed and pharmaceuticals; Bee pollen for use as a dietary food supplement; Calcium supplements; Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Food supplements; Food supplements, namely, anti-oxidants; Ground flaxseed fiber for use as a dietary supplement; Herbal supplements; Homeopathic supplements; Lecithin for use as a dietary supplement; Meal replacement and dietary supplement drink mixes; Mineral nutritional supplements; Mineral supplements; Nutraceuticals for use as a dietary supplement; Nutritional additives for use in foods and dietary supplements for human consumption; Nutritional supplements; Nutritional supplements in lotion form sold as a component of nutritional skin care products; Nutritionally fortified beverages; Powdered nutritional supplement drink mix; Soy protein for use as a nutritional ingredient in various powdered and ready-to-drink beverages; Vitamin and mineral supplements; Vitamin fortified beverages; Vitamin supplement in tablet form for use in making an effervescent beverage when added to water; Vitamin supplements; Wheat for use as a dietary supplement"

to:

"Dietary supplemental drinks; Dietary supplement drink mixes; Nutritionally fortified beverages; Powdered nutritional supplement drink mix."

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).