

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

Winter/mc

Mailed: December 16, 2008

Opposition No. 91182997

Eden Foods, Inc.

v.

LVS Trading, Inc.

On December 4, 2008, opposer filed the parties' stipulated motion requesting the proposed amendment to the involved application, **Serial No. 77215401**, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, applicant seeks to change the identification of goods as follows:

**From:** "packet flower seeds, packet garden seeds, packet vegetable seeds, and packet herb seeds,"

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<sup>1</sup> The Board notes that opposer failed to provide proof of service of the consented amendment and stipulated withdrawal upon applicant's counsel as required by Trademark Rule 2.119, 37 C.F.R. 2.119. However, inasmuch as the motion and stipulated withdrawal was executed by applicant's counsel in accordance with settlement of this matter, and to expedite matters, a copy of opposer's submission will be forwarded to applicant's counsel along with this order. Strict compliance with the Trademark Rules is expected in future submissions to the Board.

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**To:** "packet garden seeds, namely, flower seeds, vegetable seeds and herb seeds, excluding any and all seeds labeled for direct human consumption."

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

The contingency in opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement between the parties.

***By the Trademark Trial  
and Appeal Board***