

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

jh/csg

Mailed: June 2, 2008

Opposition No. 91183119

ProMark Brands Inc.

v.

New World Pasta Company

On May 2, 2008, applicant filed a proposed amendment to its application Serial No. 77138509, with opposer's consent and pursuant to the parties settlement agreement. On May 5, 2008, opposer filed a withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods in International Class 30 **from**

pasta, sauce, prepared or packaged meals consisting primarily of pasta and containing sauce

to

pasta, sauce, shelf-stable prepared meals and shelf-stable packaged meals consisting primarily of pasta and containing sauce.

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).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*