

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

RR/jk

Mailed: March 18, 2009

Opposition No. 91186992

The Procter & Gamble Company

v.

Kistler's Global Market LLC

On February 23, 2009, the parties filed applicant's proposed amendment to its application Serial No. 77368989, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to add the disclaimer "No claim is made to any exclusive rights in the word 'olea' apart from the mark as shown."

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 with prejudice in accordance with the parties' agreement.

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