

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

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Mailed: December 4, 2010

Opposition No. 91193996

The Republic of Tea, Inc.

v.

Monsterops LLC

**Robert H. Coggins,
Interlocutory Attorney:**

On October 27, 2010, applicant filed a proposed amendment to its application Serial No. 77623419, with opposer's written consent. By the proposed amendment, applicant seeks to amend the identification of goods to the following (with the new wording shown in bold):

Class 5

Nutritional supplements in liquid form, **not including herbal, tea-based or tea-flavored supplements**

Class 32

Non-alcoholic beverages, namely, sports drinks and energy drinks, **not including herbal, tea-based or tea-flavored drinks.**

Inasmuch as the proposed 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).

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If the amendment resolves the dispute between the parties, 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).

Notwithstanding the thirty-day withdrawal period permitted above, dates remain as reset by the Board's August 19, 2010 order.