

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

EJW/am

Mailed: February 8, 2012

Opposition No. 91198567

The Mentholatum Company

v.

FUJIFILM Corporation

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

On January 17, 2012, applicant filed the parties' stipulation comprising a proposed amendment to application Serial No. 77690325. By the proposed amendment, applicant seeks to change the identification of goods as follows:

**From:** "Dietary and nutritionally fortified food supplements adapted for medical use; dietary and nutritional supplements; dietetic nutritionally fortified beverages adapted for medical use; dietary beverage supplements for human consumption in liquid and dry mix form for the therapeutic purposes; dietetic foods adapted for medical use; vitamin and mineral supplements; Nutritional supplements; Astaxanthin nutritional supplements; nutritional supplements containing concentrated salasia extract; nutritional supplements containing astaxanthin as a main component; nutritional supplements containing concentrated salasia extract as a main component; nutritional supplements containing vitamin E as a main component; nutritional supplements

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containing lycopene as a main component; nutritional supplements containing vitamin C as a main component; nutritional supplements containing selenium yeast as a main component; nutritional supplements containing zinc yeast as a main component; nutritional supplements containing concentrated salasia extracts as a main component; nutritional supplements containing onion skin extracts as a main component; nutritional supplements containing chitosan as a main component; nutritional supplements containing apple polyphenol as a main component; nutritional supplements containing tea catechin as a main component; nutritional supplements containing chrome yeast as a main component; pharmaceutical preparations for the treatment of obesity."

**To:**<sup>1</sup> "Dietary and nutritionally fortified food supplements adapted for medical use; dietary and nutritional supplements; dietetic nutritionally fortified beverages adapted for medical use; dietary beverage supplements for human consumption in liquid and dry mix form for ~~the~~ therapeutic purposes; dietetic foods adapted for medical use; vitamin and mineral supplements; Nutritional supplements; astaxanthin nutritional supplements; nutritional supplements containing concentrated salacia extract; nutritional supplements containing astaxanthin as a main component; nutritional supplements containing concentrated salacia extract as a main component; nutritional supplements containing vitamin E as a main component; nutritional supplements

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<sup>1</sup> The underlined wording shown in bold type and an extraneous term ("the", lined through) have been corrected. Cf. TMEP § 707.02 (8th ed. 2011) (allowing examiner's amendments without prior authorization of applicant for correction of obvious typographical errors).

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containing lycopene as a main component; nutritional supplements containing vitamin C as a main component; nutritional supplements containing selenium yeast as a main component; nutritional supplements containing zinc yeast as a main component; nutritional supplements containing concentrated salacia extracts as a main component; nutritional supplements containing onion skin extracts as a main component; nutritional supplements containing chitosan as a main component; nutritional supplements containing apple polyphenol as a main component; nutritional supplements containing tea catechin as a main component; nutritional supplements containing chrome yeast as a main component; pharmaceutical preparations for the treatment of obesity; excluding from all of the foregoing skin care or acne treatment."

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).

If this amendment 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).

This proceeding is otherwise SUSPENDED.

