

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

em/coggins

Mailed: February 10, 2015

Opposition No. 91206116

Amy's Kitchen, Inc.

v.

Amy's Ice Creams, Inc.

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

On November 20, 2014, opposer filed a stipulated motion to amend subject application Serial Nos. 85127037 and 85127071 and to withdraw the opposition with prejudice contingent upon entry of the amendments.<sup>1</sup>

By the proposed amendment applicant seeks to delete from the Class 43 recitation of services in each application the wording "fruit ice, candy, chocolates and beverages" such that the resulting recitations would read as "Restaurant services featuring ice cream; catering."

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<sup>1</sup> The motion fails to indicate proof of service of a copy of same upon applicant as required by Trademark Rule 2.119. Service is required for all filings with the Board, even if the filing is signed by both parties. In order to expedite this matter, applicant is directed to the following URL where it may view a copy of the filing:  
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91206116&pty=OPP&eno=15>

Similarly, applicant's notice of settlement of the civil action (filed November 11, 2014) fails to indicate service of a copy of same upon opposer. Opposer may view a copy of that filing at the following URL:  
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91206116&pty=OPP&eno=14>

Inasmuch as the amendments are limiting in nature as required by Trademark Rule 2.71(a), and because opposer stipulates thereto, the amendments are 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.<sup>2</sup>

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<sup>2</sup> It is noted that the stipulation also recites applicant's consent to the registration of two of opposer's pleaded applications (i.e., Serial Nos. 85339258 and 85339245). Inasmuch as the Board does not have jurisdiction over the pending, pleaded applications, any action the parties wish to take with respect to these applications should be conducted with the Trademark Examining Operation.