

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

MT/wbc

Mailed: July 5, 2013

Opposition No. 91209557

Horizon U.A.E. FZCO

v.

ABC Home Furnishings, Inc.

**Wendy Boldt Cohen, Interlocutory Attorney:**

On June 11, 2013, applicant filed a proposed amendment to its application Serial No. 85384796, with opposer's consent.<sup>1</sup>

By the proposed amendment applicant seeks to change the identification of goods and services in International Classes 30 and International 35 (i) to delete the references to "hot chili oil" and "chili paste" from the description of goods (ii) to add the following language "and specifically excluding soy sauce and chili sauce" inserted after the word "mole" in both classes.

Accordingly, the identification of goods in International Class 30 will be amended as follows:

**from** "sauces; condiments, namely, hot sauce, hot chili oil, chili paste, oyster sauce, seafood sauce, cocktail sauce, kimchee, nuoc cham, mustard, ketchup, vinegar, mayonnaise, salad dressing, chutney, aioli, spices, dry rubs, salts,

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<sup>1</sup>Applicant's consented motion to suspend proceedings filed June 5, 2013 is noted but will not receive consideration.

capers, teriyaki, wasabi, tomato paste, tomato sauce, pesto, tapenade, marinade, hoisin sauce, black bean sauce, ginger dipping sauce, ponzu sauce, masala, salsa, vinaigrette, chocolate sauce, tzatziki, bbq sauce, horseradish, bean paste, curry sauce, fish sauce, umeboshi paste, plum sauce, tamari, mint sauce, mole; relishes; seasonings; baked goods, namely, brownies, bars, cakes, breads, pizza crusts, granola, granola bars " **to** " sauces; condiments, namely, hot sauce, oyster sauce, seafood sauce, cocktail sauce, kimchee, nuoc cham, mustard, ketchup, vinegar, mayonnaise, salad dressing, chutney, aioli, spices, dry rubs, salts, capers, teriyaki, wasabi, tomato paste, tomato sauce, pesto, tapenade, marinade, hoisin sauce, black bean sauce, ginger dipping sauce, ponzu sauce, masala, salsa, vinaigrette, chocolate sauce, tzatziki, bbq sauce, horseradish, bean paste, curry sauce, fish sauce, umeboshi paste, plum sauce, tamari, mint sauce, mole, specifically excluding soy sauce and chili sauce; relishes; seasonings; baked goods, namely, brownies, bars, cakes, breads, pizza crusts, granola, granola bars" in International Class 30.

The recitation of services in International Class 35 will be amended as follows:

**from** "retail store services featuring cooking and salad oils, fruit spreads, jellies, jams, marmalades, olive oil, sauces, condiments, namely, hot sauce, hot chili oil, chili paste, oyster sauce, seafood sauce, cocktail sauce, kimchee, nuoc cham, mustard, ketchup, vinegar, mayonnaise, salad dressing,

chutney, aioli, spices, dry rubs, salts, capers, teriyaki, wasabi, tomato paste, tomato sauce, pesto, tapenade, marinade, hoisin sauce, black bean sauce, ginger dipping sauce, ponzu sauce, masala, salsa, vinaigrette, chocolate sauce, tzatziki, bbq sauce, horseradish, bean paste, curry sauce, fish sauce, umeboshi paste, plum sauce, tamari, mint sauce, mole, relishes, seasonings, baked goods, namely, brownies, bars, cakes, breads, pizza crusts, granola, granola bars, and wine " to "retail store services featuring cooking and salad oils, fruit spreads, jellies, jams, marmalades, olive oil, sauces, condiments, namely, hot sauce, oyster sauce, seafood sauce, cocktail sauce, kimchee, nuoc cham, mustard, ketchup, vinegar, mayonnaise, salad dressing, chutney, aioli, spices, dry rubs, salts, capers, teriyaki, wasabi, tomato paste, tomato sauce, pesto, tapenade, marinade, hoisin sauce, black bean sauce, ginger dipping sauce, ponzu sauce, masala, salsa, vinaigrette, chocolate sauce, tzatziki, bbq sauce, horseradish, bean paste, curry sauce, fish sauce, umeboshi paste, plum sauce, tamari, mint sauce, mole, specifically excluding soy sauce and chili sauce, relishes, seasonings, baked goods, namely, brownies, bars, cakes, breads, pizza crusts, granola, granola bars, and wine" in International Class 35.

International Classes 29 and 33 remain the same.

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).

If this 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).

Proceedings herein are otherwise suspended.