

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

AM

Mailed: July 26, 2013

Opposition No. 91211248

Ares Trading S.A.

v.

Metagenics, Inc.

**Benjamin U. Okeke, Interlocutory Attorney:**

On July 17, 2013, applicant filed a proposed amendment to its application Serial No. 85811870, with opposer's consent.

By the proposed amendment applicant seeks to amend the identification of goods to add the following underlined language:

dietary supplements, namely, dietary and herbal supplements for promoting a positive mood and relaxed state, not sold under prescription.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition

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will go forward on the application as amended.<sup>1</sup> See Trademark Rule 2.106(c).

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<sup>1</sup> Although applicant's motion indicated that opposer consented to the dismissal of this opposition upon acceptance of the amendment, opposer's written consent must be made of record. In order for an opposer to withdraw its opposition it must file with the Board a written withdrawal signed by the opposer or the opposer's attorney. See Trademark Rule 2.193(c)(1). Written consent must be signed with an original, handwritten signature, a copy of an original, handwritten signature, or a complying electronic signature. *Id.*