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

lg/gcp

Mailed: February 27, 2014

Opposition No. 91211611

Westbrae Natural, Inc

v.

Jamaican Teas Limited

George C. Pologeorgis,
Interlocutory Attorney;

On December 19, 2013, applicant filed a proposed amendment to its application Serial No. 85753130, with opposer's consent.

By the proposed amendment applicant seeks to amend the identification of goods in International Classes 30 and 32 as follows:

<u>International Class 30</u>

from:

"Coffee, tea, cocoa, iced tea"

to:

"Coffee, tea, cocoa, iced tea; excluding Almond based beverages used as milk substitutes, Almond based food beverages, Almond based frozen confections, Almond based frozen desserts, Almond based non-dairy yogurt, Coconut based beverages, Coconut milk, Frozen desserts made essentially from rice, Hemp milk used as a milk substitute, Oat based food beverages, Non-dairy coconut based beverages used as a milk substitute, Non-dairy frozen almond based ice cream substitute confections, Non-dairy frozen almond based ice cream substitute desserts, Non-dairy non-alcoholic beverages and frozen desserts make essentially from rice, Non-dairy, soy-based, frozen ice cream substitute desserts, Non-dairy yogurt,

Rice based beverages, Rice based beverages used as milk substitutes, Rice based food beverages, Rice based frozen confections, Rice based frozen desserts, Smoothies, Soy-based beverages, Soy-based beverages not being milk substitutes, Soy based beverages used as mild substitutes, Soy based food beverages not being milk substitutes, Soy-based food beverage used as a milk substitute, Soy based frozen confections, Soy based frozen desserts, and Soy-based ice cream substitutes."

International Class 32

from:

"Drinking water, flavored waters, fruit juices."

to: "Drinking water, flavored waters, fruit juices; excluding Almond based beverages used as milk substitutes, Almond based food beverages, Almond based frozen confections, Almond based frozen desserts, Almond based non-dairy yogurt, Coconut based beverages, Coconut milk, Frozen desserts made essentially from rice, Hemp milk used as a milk substitute, Oat based food beverages, Non-dairy coconut based beverages used as milk substitute, Non-dairy frozen almond based ice cream substitute confections, Non-dairy frozen almond based ice cream substitute desserts, Non-dairy non alcoholic beverages and frozen desserts made essentially from rice, Non-dairy, soy-based, frozen icecream substitute desserts, Non-dairy yogurt, Rice based beverages, Rice based beverages used a milk substitutes, Rice based food beverages, Rice based frozen confections, Rice based frozen desserts, Smoothies, Soy-based beverages, Soy-based beverages not being milk substitutes, Soy based beverages used as milk substitutes, Soy based food beverages not being milk substitutes, Soy-based food beverage used as a milk substitute, Soy based frozen confections, Soy based frozen desserts, and Soy-based ice cream substitutes."

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 (30) 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 are otherwise **suspended** pending opposer's response to this order.[1]

[1] The parties' stipulations to suspend for settlement filed on November 4, 2013 and January 29, 2013 are **GRANTED** to the extent that opposer is allowed the time provided herein to withdraw the opposition. To the extent opposer fails to withdraw the opposition within the time period provided by this order, the Board will issue a subsequent order resetting all trial dates beginning with the deadline for initial disclosures.