

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WINTER/nmt

Mailed: November 16, 2015

Opposition No. 91217379

CytoSport, Inc.

v.

Sharp New Foods Co.

By the Trademark Trial and Appeal Board:

On September 18, 2015, the parties filed a stipulated proposed amendment to application Serial No. 86083810 and withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification goods in International Class 29 as follows:¹

From: Flavored milk, milk ~~and milk based beverages~~,

To: Flavored milk; dairy milk.

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

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

¹ The lined-through wording is to be deleted and new wording is underlined and shown in bold type font.