

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

Ey/wbc

Mailed: July 21, 2015

Opposition No. 91220401

Metagenics, Inc.

v.

Yoli, LLC

By the Trademark Trial and Appeal Board:

On July 14, 2015, Opposer filed a stipulated proposed amendment to application Serial No. 86314066 and withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment the parties seeks to amend the identification of goods in International Class 5 as set forth below:²

From: Nutritional proprietary ingredient blend sold as an integral component of dietary and nutritional supplements and dietary supplemental drinks and drink mixes.

To: Nutritional proprietary ingredient blend sold as an **ingredient name and** integral component of dietary and nutritional supplements and dietary supplemental drinks and drink mixes **distributed only through multi-level marketing and direct sales and not through retail outlets.**

¹ Applicant's answer and change of correspondence address filed on February 27, 2015 are noted and the Board's record has been updated accordingly.

² The language in bold represents the parties' proposed additions to the identification of goods.

Opposition No. 91220401

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.