

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

ey/jk

Mailed: June 21, 2016

Opposition No. 91221905

*Mother's Market & Kitchen, Inc. (by  
assignment from Ava Ruha Corporation DBA  
Mother's Market & Kitchen)*

*v.*

*Alan Nathan*

**By the Trademark Trial and Appeal Board:**

On June 14, 2016, the parties filed a stipulated motion to substitute the opposer, to amend application Serial No. 86366231, and to withdraw the opposition.

Substitution of Party

The parties seek substitution of “Mother’s Market & Kitchen, Inc.” as the assignee of the pleaded registrations. The assignment was recorded with the Assignment Recordation Branch of the USPTO on January 13, 2016 at Reel/Frame 5708/0517-0523.

When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate. The assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the

opposing party raises no objections to substitution. *See* TBMP § 512.01. Inasmuch as Applicant consents thereto, the motion is granted. *See* Trademark Rule 2.127(a).

Accordingly, Mother's Market & Kitchen, Inc. is hereby substituted for Ava Ruha Corporation DBA Mother's Market & Kitchen as plaintiff in this proceeding.

Amendment of Application

By the proposed amendment to application Serial No. 86366231, the parties seeks to amend the recitation of services in International Class 43 from "Bar services; Restaurant services" to "Bar services."

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).

Withdrawal of Opposition

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement between the parties.