

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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RK/nmt

Mailed: July 12, 2016

Opposition No. **91221981**

Nutri/System IPHC, Inc.

v.

NutriMost

By the Trademark Trial and Appeal Board:

On June 1, 2016, Applicant filed a proposed amendment to its involved **Application Serial No. 86421639**, with Opposer's written consent. On June 14, 2016, Opposer filed a withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 5 and the recitation of services in International Class 44 as follows (amendment in bold):

From: Dietary and nutritional supplements used for weight loss; in International Class 5.

Providing weight loss and nutritional program services; in International Class 44.

To: Dietary and nutritional supplements used for weight loss **only offered through offices professionally supervised by healthcare practitioners**; in International Class 5.

Providing weight loss and nutritional program services **only offered through offices professionally supervised by healthcare practitioners**; in International Class 44.

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** in accordance with the agreement between the parties.

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