

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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ey/gcp

Mailed: February 3, 2016

Opposition No. 91224043

Demeter Association, Inc.

v.

Byodyne, LLC

By the Trademark Trial and Appeal Board:

On January 2, 2016, Opposer filed a stipulated proposed amendment to Applicant's involved application Serial No. 86550931, and stipulation to dismiss the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment Applicant seeks to amend the identification of goods in International Class 5 as follows (proposed additions are in bold font):

Dietary and nutritional supplements; Dietary and nutritional supplements for endurance sports; Dietary and nutritional supplements used for weight loss; Dietary food supplements; Dietary supplement drink mixes; Dietary supplements; Dietary supplements for human consumption; Dietary supplements in the nature of weight loss powders; Herbal supplements; Nutritional supplement in the nature of a nutrient-dense, protein-based drink mix; Nutritional supplements; Nutritional supplements in the form of powders, capsules, liquids, syrups; Powdered nutritional supplement concentrate; Powdered nutritional supplement drink mix; Protein dietary supplements; Protein supplement shakes; Protein supplements; Vitamin supplements; Weight management supplements; Whey protein supplements; **all intended for use in improving body conditioning and/or athletic performance.**

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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 the stipulation for dismissal having now been met, the opposition is dismissed **without prejudice**.