

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RK/lg

Mailed: April 23, 2012

Cancellation No. **92052314**

Mother Parker's Tea &
Coffee, Inc.

v.

Cafe Mystique Inc.

On October 26, 2011, respondent filed a proposed amendment to its **Registration No. 3514570**, with petitioner's written consent. On November 15, 2011, petitioner filed a withdrawal with prejudice of the petition to cancel, pursuant to an agreement between the parties. On January 10, 2012, the Board noted the limiting nature of the proposed amendment relative to the identification in the involved registration but found the amendment unsupported by a declaration under Trademark Rule 2.20 as required under Trademark Rule 2.173 and thereby allowed respondent time to perfect the amendment. On February 7, 2012, respondent submitted said declaration.

The proposed amendment is reproduced below (added description in bold type):

From: Coffees; in International Class 30.

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To: Coffees, **excluding coffees for in-flight
airline beverage services**; in International
Class 30.

Inasmuch as the amendment complies with all of the procedural requirements of Trademark Rule 2.173, is clearly limiting in nature, and petitioner consents thereto, it is **APPROVED**. See Trademark Rule 2.133(a). The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in petitioner's withdrawal having now been met, the petition to cancel is **DISMISSED with prejudice**.

*By the Trademark Trial
and Appeal Board*