

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

Mailed: August 18, 2016

Cancellation No. 92063507

*Mary's Gone Crackers, Inc.*

v.

*LUV Ice Cream*

George C. Pologeorgis,  
Administrative Trademark Judge:

The Board's order issued earlier today (6 TTABVUE) is hereby **VACATED** and substituted with this order.

On August 4, 2016, Respondent filed a proposed amendment to its Registration No. 4904042, with Petitioner's consent.

By the proposed amendment respondent seeks to amend the identification of goods as follows:<sup>1</sup>

From:

“Gluten-free desserts, namely, no-sugar-added dairy ice creams; non-dairy no-sugar-added frozen confections; no-sugar-added chocolates and candy bars; sugar-free and no-sugar-added candies, no-sugar-added bakery desserts.”

To:

“Gluten-free desserts, namely, no-sugar-added dairy ice creams; non-dairy no-sugar-added frozen confections; no-sugar-added chocolates and candy bars;

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<sup>1</sup> The bolded language constitutes Respondent's proposed amendment.

sugar-free and no-sugar-added candies, no-sugar-added bakery desserts **excluding cookies.**”

Inasmuch as the amendment complies with the requirements of Trademark Rule 2.173, it is limiting in nature, and Petitioner consents thereto, the amendment is approved. *See* Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.<sup>2</sup>

If the amendment resolves this proceeding, Petitioner is allowed **until thirty (30) days** from the mailing date of this order to file a withdrawal of the petition to cancel, failing which the petition to cancel will go forward on the registration as amended. *See* Trademark Rule 2.114(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended pending Petitioner’s response to this order.

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<sup>2</sup> A copy of the Board’s order granting the amendment, and Respondent’s declaration, will be forwarded electronically for uploading to the record of the registration.