

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

DMM/Ricks

Mailed: July 1, 2003

Opposition No. 91151477

THE B. MANISCHEWITZ COMPANY,
LLC

v.

FOUR SEASONS FRUIT SOUP,
CORP.

David Mermelstein, Attorney:

The Board wishes to note the plaintiff's consented motions (filed May 7, 2003 and June 12, 2003) to extend its testimony period, all which are hereby granted.

On May 19, 2003, applicant filed a proposed amendment to its application Serial No. 76/144,393, with opposer's consent.

By the proposed amendment applicant seeks to amend the description of goods **from** "soups" **to** "fruit soup, in International class 30."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

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If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition,¹ failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

This proceeding is otherwise SUSPENDED

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¹ If opposer indeed intends to withdraw the opposition upon entry of the amendment, it would have been more efficient for the parties to file - at the same time as applicant's consented amendment - opposer's withdrawal of the opposition, contingent upon the Board's approval of the amendment, saving the parties the burden of preparing a separate withdrawal, saving the Board the burden of preparing another order, and speeding the termination of this matter by the several weeks (at least) that it will take for opposer to prepare and file its withdrawal (with applicant's written consent), and for the Board to receive and process the paper.