

Baez

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

Mailed: September 23, 2004

Opposition No. 91155657

SCHERING-PLOUGH VETERINARY
CORPORATION

v.

Garden of Life, Inc.

David Mermelstein, Attorney:

On September 1, 2004, the parties filed a motion to set aside default judgment, a proposed amendment to applicant's application Serial No. 76/403,896, with opposer's consent, and a motion to dismiss the opposition without prejudice, contingent upon entry of the amendment.

By its proposed amendment applicant seeks to amend the identification of goods to:

Dietary food supplements for maintaining the digestive health of animals.

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).

The contingency in opposer's withdrawal having now been met, the July 27, 2004 default judgment is hereby set aside

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and the opposition is dismissed without prejudice in accordance with the agreement between the parties.

***By the Trademark Trial
and Appeal Board***