

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

em/

Mailed: March 13, 2006

Opposition No. 91159407

Rudolf Wild GmbH & Co. KG

v.

Cappuccino Americana  
Corporation

On February 27, 2006, the Board allowed applicant thirty days to clarify whether or not its amendment filed on January 5, 2006, was filed with or without opposer's consent. On March 3, 2006 applicant submitted its response stating that the opposer consented to the amendment.

By the proposed amendment applicant seeks to change the identification of goods in application Serial No. 78066394, **from** "powders and syrups for making herbal and fruit energy drinks" **to** "non-alcoholic beverages, namely, herbal and fruit energy drinks."

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).

Because no answer is of record, the opposition is dismissed without prejudice, in accordance with opposer's January 23, 2006 withdrawal. See Trademark Rule 2.106(c).

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