

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

am

Mailed: February 18, 2006

Opposition No. 91166957

Sara Lee Corporation

v.

MooBella, LLC

Frances S. Wolfson, Interlocutory Attorney:

On January 26, 2006, applicant filed a proposed amendment to its application Serial No. 76581167. On February 2, 2006, opposer filed a withdrawal of the opposition without prejudice. Applicant has not yet filed an answer to the notice of opposition.

By the proposed amendment, applicant seeks to change the identification of goods **from** "clothing, namely, shirts, t-shirts, sweaters, jackets, hats, visors" **to** "clothing, namely, shirts, t-shirts, sweaters, jackets, hats, visors, all used in connection with or to promote vending machines and frozen desserts."

Trademark Rule 2.133(a) provides, in pertinent part, that an application which is the subject of an inter parties proceeding may not be amended in substance except with the consent of the adverse party and the approval of the Board, or upon motion. However, the proposed amendment must also comply with all other rules and statutory provisions.

The parties are informed that the proposed amendment is limiting in nature and in compliance with all other applicable rules and regulations, and that in view of opposer's withdrawal of the opposition, it is presumed that opposer consents to applicant's proposed amendment of its application.

Accordingly, opposer is allowed until **twenty days** from the mailing date of this order to advise the Board that it does not consent to the amendment, failing which the amendment to the application will be entered and the opposition will be dismissed without prejudice.

Proceedings herein are otherwise suspended.