

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

MT/al

Mailed: August 22, 2008

Opposition No. 91170764

Vitamin World, Inc.

v.

T.C. Pharmaceutical
Industries Co., Ltd.

On August 12, 2008, the parties filed applicant's proposed amendment to its application Serial No. 78533180, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods **from** "food supplement preparations and nutritional supplement preparations in the form of capsule containing crataegus, melissa and ginkgo billoba extract in garlic oil" **to** "Food supplemental preparations and nutritional supplement preparations in the form of capsule containing crataegus, melissa and ginkgo billoba extract in garlic oil, excluding vitamins and dietary and nutritional supplements intended for circulation and fluid balance health in the extremities."

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 opposition is dismissed in accordance with the agreement between the parties.

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