

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

dmd

Mailed: October 20, 2008

Opposition No. 91177984

Stadt Holdings Corporation

v.

MED-EQ as

Angela Lykos, Interlocutory Attorney

On October 15, 2008, applicant filed a proposed amendment to its application Serial No. 78738052, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in International Class 5 by adding the following limitation to the end of the identification of goods: "none of the foregoing goods constitute sweeteners and/or sugar substitutes. Thus, the amended identification of goods would read as follows:

"Pharmaceutical and medicinal preparations and substances, namely, medical slimming drinks, slimming tea for medical purposes, slimming coffee for medical purposes; nutritional supplements; medicated confectionery; dietetic substances, namely, beverages and preparations for making beverages, tablets, mints and chewing gum for use as slimming aids and as dietary supplements, dietary slimming drinks, tablets, mints and chewing gum for use in aiding weight loss; dietetic foods adapted for medical or veterinary use; dietary food supplements for medical or veterinary use; medicated preparations for use as

supplements for food; food supplements for nutritional purposes; food supplements for slimming; none of the foregoing goods constitute sweeteners and/or sugar substituted."

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

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, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>