

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

MT/jk

Mailed: May 5, 2009

Opposition No. 91186869

Drugtech Corporation

v.

Specialty Nutrition
Products, LLC

On April 14, 2009, the parties filed applicant's proposed amendment to its application Serial Nos. 78645042 and 78645047, with opposer's consent, and on April 17, 2009 filed opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the International Class 5 identification of goods in Serial No. 78645042 **from** "Nutritional supplements; vitamins and dietary supplements " **to** "Nutritional supplements, vitamins and dietary supplements excluding nutritional supplements, vitamins and dietary supplements used in connection with pre-natal care and post-natal care," and seeks to amend the International Class 5 identification of goods in Serial No. 78645047 **from** " Nutritional food bars, namely, nutritional energy bars for use as a meal substitute " **to** "Nutritional foods bars, namely, nutritional energy bars for use as a meal

substitute excluding nutritional energy bars for use as a meal substitute used in connection with pre-natal care and post-natal care."

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

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

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