

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

RK/mc

Mailed: October 21, 2010

Opposition No. **91194391**

Bayer Aktiengesellschaft

v.

Absolutely Green, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

By the Board's order of September 15, 2010, applicant was allowed twenty days to notify the Board in writing of opposer's consent to the amendment proposed by applicant in its motion of September 2, 2010. On September 23, 2010, applicant filed a written confirmation of opposer's consent.¹

In view thereof, applicant's proposed amendment to the Class 5 identification of goods in application Serial No. 77821331 **from** "Insect repellents" **to** "Insect repellents for human use only and sold in containers not to exceed eight ounces in weight" 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

¹ In spite of the Board's admonition to applicant in the order of September 15, 2010, applicant has again failed to indicate proof of service as required by Trademark Rule 2.119. Accordingly, **FUTURE FILINGS BY APPLICANT WITHOUT PROOF OF SERVICE WILL NOT BE CONSIDERED BY THE BOARD.** Opposer may view a copy of applicant's September 23, 2010 filing at <http://ttabvueint.uspto.gov/ttabvue/v?pno=91194391&pty=OPP&eno=14>.

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

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