

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

nmt

Mailed: August 30, 2010

Opposition No. 91195575

The Republic of Tea, Inc.

v.

Java Republic Limited

**M. Catherine Faint,
Interlocutory Attorney:**

On August 13, 2010, applicant filed a proposed amendment to its application Serial No. 77566382, with opposer's consent.¹

By the proposed amendment applicant seeks to change the identification of goods in International Class 30 as follows:²

from

"Coffee, ground coffee, whole coffee beans, artificial coffee; tea; cocoa; bread; cakes; pastry; non-medicated confectionery, namely, fruit jellies, frozen, pastilles, fondants; cereals, namely, processed cereals, breakfast cereals; preparations made from cereals, namely, cereal based snack foods; Italian ices, fruit ices and ice-cream; cereal-based, rice-based or wheat-based

¹ The Board notes applicant's consented request to suspend granted via the ESTTA online filing system on August 16, 2010, however in view of applicant's motion to amend, those dates will be reset upon resumption, if appropriate.

² The identification of goods in International Class 40, which is not a party to this proceeding, remains unchanged.

snack foods, and snack mix consisting primarily of crackers, pretzels, candied nuts, candied fruits, and/or popped corn"

to

"Coffee, ground coffee, whole coffee beans, artificial coffee; cocoa; bread; cakes; pastry; non-medicated confectionery, namely, fruit jellies, frozen, pastilles, fondants; cereals, namely, processed cereals, breakfast cereals; preparations made from cereals, namely, cereal based snack foods; Italian ices, fruit ices and ice-cream; cereal-based, rice-based or wheat-based snack foods, and snack mix consisting primarily of crackers, pretzels, candied nuts, candied fruits, and/or popped corn."

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).

Proceedings remain otherwise suspended.
