

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

mc/gcp

Mailed: September 9, 2011

Opposition No. 91198798

The Republic of Tea, Inc.

v.

Pharmachem Laboratories,

Inc.

**George C. Pologeorgis,
Interlocutory Attorney:**

On August 25, 2011, applicant filed a proposed amendment to its application Serial No. 85053975, with opposer's consent pursuant to the parties' settlement agreement.

By the proposed amendment applicant seeks to change the identification of goods in *Class 5* **from** "Dietary supplemental drinks" **to** "Dietary supplemental drinks, not including dietary supplemental drinks that are herbal infusions, herbal teas, tea-based or tea flavored" and in *Class 32* **from** "Energy drinks; Soft drinks; Soft drinks, namely, carbonated soft drinks, low calorie soft drinks, non-carbonated soft drinks; Sports drinks" **to** "Energy drinks; soft drinks; soft drinks, namely, carbonated soft drinks, low calorie soft drinks, non-carbonated soft drinks; sports drinks, not including energy

drinks, soft drinks or sports drinks that are herbal infusions, herbal teas, tea-based or tea flavored."

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 are otherwise suspended.