

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

cv/wbc

Mailed: September 3, 2013

Opposition No. 91200405

Casella Wines Pty Ltd.

v.

Nature & Innovation

Wendy Boldt Cohen, Interlocutory Attorney:

The opposer's response (filed July 23, 2013) to the Board's July 17, 2013 order is noted.¹

In view of the submission of the parties' written consent² to the deletion of the word "beers" from the identification of goods in International Class 32 and the parties' indication that no further amendments are sought, the amendment is now approved and entered. International Class 32 is amended to read as follows:

mineral and sparkling waters; fruit drinks and fruit juices; non-alcoholic fruit extracts used in the preparation of beverages; syrups for beverages;

¹ Opposer's response does not indicate proof of service of a copy of same on counsel for applicant as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said response is forwarded herewith to counsel for applicant.

² The Board notes that the signature for opposer, Casella Wines Pty Ltd., is captioned "attorneys for applicant." As the attorneys of record for opposer are listed in the signature block and the signature is also captioned in opposer's name, "Casella Wines Pty Ltd.," the Board presumes the caption "attorneys for applicant" is meant to read "attorneys for opposer."

non-alcoholic malt beverages; preparations for making beverages, namely, fruit juice; essences for making beverages, namely, fruit juice; vegetable juices; fruit nectars

International classes 30 and 31 remain unchanged.

Opposer has also informed the Board that a settlement has already been reached by the parties. 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).