

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

EM

Mailed: September 4, 2013

Opposition No. 91205293

Conserve Italia Soc. Coop.  
Agricola  
v.

Steven Leo Company DBA The  
YOGA Drink

**Cheryl S. Goodman, Interlocutory Attorney:**

On May, 6, 2013, applicant filed a proposed amendment to its application with the U.S Patent and Trademark Office for Serial No. 85230284. The amendment was improperly filed with the Trademark Examining Operation because TBMP 514.01 requires that a request to amend an application involved in a Board proceeding be filed with the Board. However, on May 17, 2013, a copy of applicant's amendment was forwarded to the Board by the opposer with a statement of opposer's consent.

By the proposed amendment applicant seeks to change the identification of its class 30 goods as indicated below:

**from**

"artificial coffee and tea; Beverages made of tea; Beverages with a tea base; Black tea; Chai tea; Coffee and tea; Flavourings of tea; Fruit teas; Green tea; Iced tea; Instant tea; Japanese green tea; Lime tea; Mixes in the nature of concentrates, syrups or powders used in the preparation of tea based beverages; Oolong tea; Sage tea; Syrups for making tea; Tea; Tea bags; Tea extracts; Tea for infusions; Tea of parched powder of barley with husk (mugi-cha); Tea of salty kelp powder (kombu-cha); Tea pods; Tea substitutes; Tea-based beverages; Tea-based

beverages with fruit flavoring; Theine-free tea sweetened with sweeteners"

to

"tea bags; tea for infusions."

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).<sup>1</sup>

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<sup>1</sup> Opposer's motion to extend dated April 29, 2013, and motion to suspend dated May 29, 2013, are granted as conceded. Proceedings are suspended from the filing date of opposer's May 29, 2013 motion.