

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

MT/coggins

Mailed: April 15, 2013

Opposition No. 91205664 (parent)
Opposition No. 91206788

Basic American, Inc.

v.

Mastronardi Produce Ltd.

On February 21, 2013, applicant filed a combined, stipulated amendment to subject application Serial Nos. 77628536 and 77573830, and contingent withdrawal without prejudice of the opposition. By the proposed amendment, the parties seek to change the identifications of goods as follows.

Serial No. 77628536

From: "Organic Fresh, Raw and unprocessed vegetables; Organic Raw, Fresh, and Unprocessed tomatoes, peppers, cucumbers, and eggplant";

to: "Organic fresh, raw and unprocessed vegetables, namely, tomatoes, peppers, cucumbers, and eggplant."

Serial No. 77573830

From: "Organic fresh fruit and vegetables; Organic fresh fruits; Organic fresh peppers; Organic fresh tomatoes; Organic fresh vegetables; Organic

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Fruits, namely, cucumbers, tomatoes, peppers, eggplant; Organic Raw tomatoes; Organic Raw vegetables; Organic unprocessed tomatoes; Organic unprocessed vegetables”;

to: “Organic fresh, raw and unprocessed fruit and organic fresh, raw and unprocessed vegetables, namely, tomatoes, peppers, cucumbers, and eggplant.”

Inasmuch as the amendments are limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer’s withdrawal having now been met, the opposition is dismissed without prejudice.

***By the Trademark Trial
and Appeal Board***