

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/nmt

Mailed: March 5, 2015

Opposition No. **91209478**

Andros

v.

Molkerei Alois Müller GmbH & Co.
KG

By the Trademark Trial and Appeal Board:

On January 30, 2015, Applicant filed a proposed amendment to its **Application Serial No. 85569265**, with Opposer's written consent, and Opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the goods identifications in International Classes 29, 30 and 32¹ as follows (deletions underlined and additions bolded):

From: Yogurt; sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat

¹ In its motion, Applicant has misidentified the class as Class 31.

vegetable based snack foods repackaged with dairy based dips; in International Class 29.

Frozen yogurt and ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice-based pudding desserts; in International Class 30.

Fruit beverages containing yogurt; non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices; in International Class 32.

To: Yogurt products, namely products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors; in International Class 29.

Frozen yogurt, namely products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors; in International Class 30.

Fruit beverages namely, products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors; in International Class 32.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, the opposition is **DISMISSED with prejudice.**²

* * *

² In view thereof, Applicant's consented motion (filed January 30, 2015) to suspend this proceeding for settlement is **MOOT** and will be given no consideration.