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Filing date: **06/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210232
Party	Defendant S&D Coffee, Inc.
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Signature	/Kristin Webb/
Date	06/29/2015
Attachments	91210232.pdf(399155 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application No. 85/536,854

Published on: October 16, 2012

For the Mark: SIMPLY TEA

Simply Orange Juice Company,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91210232
)	
S&D Coffee, Inc.,)	
)	
Applicant.)	

**CONSENTED MOTION TO AMEND APPLICATION
AND CONDITIONAL WITHDRAWAL OF OPPOSITION**

The above referenced application, Serial No. 85/536,854 (the "Application"), was published for opposition on October 16, 2012 and has been opposed by Simply Orange Juice Company ("Opposer"). The parties have determined that this opposition can be resolved by amending the identification of goods. If this amendment is acceptable to the United States Patent and Trademark Office, Opposer, with the consent of Applicant, hereby agrees to withdraw its opposition to the Application without prejudice.

Amendment After Publication

Opposer and Applicant hereby request the United States Patent and Trademark Office to amend the identification of goods for the Application as indicated in the below "Red Line Version" and "Final Version" of the proposed identification:

Red Line Version of Amendment showing deletions and additions

Tea; Tea bags; Tea in liquid concentrate form; ~~Beverages made of tea; Beverages with a tea base;~~ Black tea; Chai tea; Fruit teas; Green tea; Herb tea; Herbal tea; Iced tea; Japanese green tea; Oolong tea; Tea for infusions; ~~Tea based beverages; Tea based beverages with fruit flavoring;~~ all the foregoing sold in a form that is not ready to drink.

Final Version of Amendment

Tea; Tea bags; Tea in liquid concentrate form; Black tea; Chai tea; Fruit teas; Green tea; Herb tea; Herbal tea; Iced tea; Japanese green tea; Oolong tea; Tea for infusions; all the foregoing sold in a form that is not ready to drink.

Conditional Withdrawal of Opposition Proceedings

If the Trademark Trial and Appeal Board accepts the proposed amendment to the Application, Opposer, with the consent of Applicant, hereby requests that the Trademark Trial and Appeal Board dismiss the above-captioned Opposition without prejudice.

Respectfully submitted this 29th day of June, 2015.



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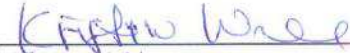
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CERTIFICATE OF MAILING

I do hereby certify that on JUNE 29, 2015, I filed via electronic means (ESTTA) this CONSENTED MOTION TO AMEND APPLICATION AND CONDITIONAL WITHDRAWAL OF OPPOSITION with the:


U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451


Kristen Webb
KSW

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing CONSENTED MOTION TO AMEND APPLICATION AND CONDITIONAL WITHDRAWAL OF OPPOSITION has been served on Opposer's counsel at the following email address:

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