

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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csg-mw/vv

Mailed: August 14, 2015

Opposition No. 91210232

*Simply Orange Juice Company*

V.

*S&D Coffee, Inc.*

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

On June 29, 2015, Applicant filed the parties' stipulation, with Applicant's proposed amendment to its application Serial No. 85536854, and Opposer's withdrawal of the opposition, without prejudice, contingent upon entry of the amendment.

By the proposed amendment Applicant seeks to amend the identification of goods in International Class 30 in the above referenced application as follow:

From:

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

To:

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.**

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Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer stipulates 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 without prejudice.