

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

mt/MCF

Mailed: March 19, 2015

Opposition No. 91218557

Nutiva, Inc.

v.

Navitas, LLC

By the Trademark Trial and Appeal Board:

On March 12, 2015, applicant filed a proposed amendment to application Serial No. 86228359, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment applicant seeks to add the following disclaimer:

No claim is made to the exclusive right to use SUPERFOOD other than in the mark as a whole.

Applicant should note that the disclaimer will be put in the standardized disclaimer format for printing and database purposes. Thus the disclaimer in the record will read:

No claim is made to the exclusive right to use SUPERFOOD apart from the mark as shown.

See TMEP § 1213.08(a)(i); *see also In re Owatonna Tool Co.*, 231 USPQ 493, 495 (Comm'r Pats. 1983) (“[T]he use of the standardized form is solely for the purpose of printing and database purposes, not for the limitation of registrant’s rights.”).

¹ Opposer’s withdrawal of the opposition was submitted on the same date under separate cover.

Opposition No. 91218557

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.
