

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

Mailed: March 29, 2016

Opposition No. 91220971

*Nutrishop, Inc.*

*v.*

*Nutrishape, LLC*

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

On February 19, 2016, the parties filed a proposed amendment to application Serial No. 86076644, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment Applicant seeks to amend the identification of goods and recitation of services in International Classes 5 and 44 as follows.<sup>1</sup>

**Class 5**

From:

Dietary and nutritional supplements used for weight loss; dietary supplements

To

Dietary and nutritional supplements used for weight loss; dietary supplements; all of the foregoing offered through a subscription weight management system utilizing weight management and medical professionals

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<sup>1</sup> Underlined wording identifies wording proposed to be added to the identification.

**Class 44**

From:

Dietary and nutritional guidance; weight reduction diet planning and supervision; medical bariatric procedures

To:

Dietary and nutritional guidance; weight reduction diet planning and supervision; medical bariatric procedures; all of the foregoing offered through a subscription weight management system utilizing weight management and medical professionals

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 without prejudice.