

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

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Mailed: January 5, 2018

Opposition No. 91221756 (parent)
Opposition No. 91221759
Opposition No. 91221762
Opposition No. 91221767

Hershey Canada Inc.

v.

Brookshire Grocery Company

By the Trademark Trial and Appeal Board:

The Board's order issued October 31, 2017 in this consolidated proceeding is vacated.

Upon review and as shown below, the opposed applications are the subject of multiple oppositions.

Opposed application Serial No.	Opposition brought by Hershey Canada Inc.	Opposition brought by Brookshire Brothers, Inc.
86199664	91221756	220462
86199666	91221759	220463
86199661	91221762	221198
86199662	91221767	221190 221191

Pursuant to Trademark Rule 2.133, "An application subject to an opposition may not be amended in substance nor may a registration subject to a cancellation be amended or disclaimed in part, except with the consent of the other party or parties

Opposition Nos. 91221759, 91221759, 91221762 and, 91221767

and the approval of the Trademark Trial and Appeal Board, or upon motion granted by the Board.” The Board’s October 31, 2017 order erroneously approved amendments to the identification of goods made with the consent of only one opposer, instead of all opposers. Accordingly, the applications have been or will be returned to pending status, the unconsented amendment no longer is approved, and the identification of goods again will list the goods as published for opposition.

Applicant is allowed until THIRTY DAYS from the mailing date of this order to submit the consent to the amendment of all parties, failing which proceedings will resume.

Proceedings are suspended pending Applicant’s response to this order.