

UNITED STATES PATENT AND TRADEMARK OFFICE  
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WF/RA

March 7, 2020

Opposition No. 91231833

*Birds Eye Foods, LLC and Kennedy  
Endeavors, LLC*

*v.*

*Hawaiian Chip Company LLC*

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

On February 19, 2020, the parties filed a stipulated proposed amendment to Applicant's involved application Serial No. 86869172, and withdrawal of the opposition with prejudice, contingent upon entry of the amendment. 50 TTABVue.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 29 as follows (proposed additions shown in **bold** and deletions shown in ~~strikethrough~~):

From: ~~Potato chips made from~~ sweet potatoes; Vegetable chips;

To: Sweet potato **chips**; Vegetable chips, **in each case excluding potato chips**.

The amendments are limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered. See Trademark Rule 2.133(a).

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The contingency in Opposer's and Applicant's withdrawal having now been met, the opposition and counterclaims are hereby **dismissed with prejudice** in accordance with the agreement between the parties.

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