

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

vw/jk

Mailed: November 11, 2017

Opposition No. 91232882

Hero AG

v.

Revolution Foods, Inc.

By the Trademark Trial and Appeal Board:

On October 26, 2017, Opposer filed the parties' stipulation, comprising a proposed amendment to Applicant's involved application Serial No. 87026837, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 30 as indicated below (wording to be deleted is shown as stricken):

Grain-based snack foods, ~~crackers, cookies.~~

The resulting amended identification of goods is: "Grain-based snack foods."

¹ Opposer's submission does not include proof of service, as required by Trademark Rule 2.119(b). Counsel should be aware of this requirement. The Board exercises its discretion to consider the filing. However, strict compliance is required in all future submissions filed with the Board.

Opposition No. 91232882

The amendment is 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).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.