

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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wbc

February 26, 2019

Opposition No. 91237567

*Rudolf Wild GmbH & Co. KG, WILD
Flavors, Inc.*

v.

Paleo Performance, Inc.

Wendy Boldt Cohen, Interlocutory Attorney:

On February 8, 2019, Applicant filed a proposed amendment to its application Serial No. 87319279 with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 29 to read as follows:

“Fruit-based organic food bars; Fruit-based organic food bars, also containing fruits, nuts, grains, vegetables, seeds; Nut- and dried fruit- based snack bars; Nut-based food bars; Nut and seed-based snack bars; Seed-based snack bars; Nut and seed-based snack bars; Processed fruit- and nut-based food bars, for sale to food retailers, wholesalers, or distributors in consumer retail channels and not for sale to food and beverage producers and/or manufacturers.”¹

¹ The underlined language represents proposed wording to be added to the identification.

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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).

If the amendment resolves this proceeding, Opposer is allowed until thirty days from the date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.