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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91238728
Party	Defendant Paris Croissant Co., Ltd.
Correspondence Address	MIRIAM TRUDELL SHERIDAN ROSS PC 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 UNITED STATES mtrudell@sheridanross.com 303-863-9700
Submission	Motion to Amend Application
Filer's Name	Miriam D. Trudell
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Date	06/05/2020
Attachments	final signed withdrawal - 728.pdf(284601 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

BIRDS EYE FOODS LLC,)
)
Opposer) Opposition No. 91238728
) Mark:



v.) Serial Nos. 87168679, 87168692
)
PARIS CROISSANT CO., LTD.,)
)
Applicant)

**Stipulated Motion to Amend the Applications
and Withdraw Opposition**

Applicant, Paris Croissant Co., Ltd. and Opposer, Birds Eye Foods LLC, hereby stipulate to the following:

1. U.S. Application No. 87168679 is amended as follows:

~~tapioca; cereal-based snack foods; sandwiches; confectioneries, namely, pastilles, fondants, yogurt-covered pretzels, crystal sugar pieces, gum paste, yogurt-covered fruit, yogurt-covered nuts and confectionery chips for baking; bread; chocolate confections; cake; ice cream; sugar; rice cakes; sauces;~~ coffee flavourings, other than essential oils, for food or beverages; tea; prepared coffee and coffee-based beverages; caffeine-free coffee; roasted coffee beans; tea-based beverages; iced coffee; ~~chocolate products, namely, chocolate candies, chocolate-based ready to eat snacks, chocolate bars, chocolate truffles and chocolate chips;~~ cocoa-based beverages; **none of the foregoing being frozen**

2. U.S. Application No. 87168692 is amended as follows:

fruit juice; fruit-based beverages; ~~aerated fruit juices;~~ fermented beverage, namely, beer and ale; soda drinks, namely, soft drinks, soda water, ice cream soda; smoothies; non-alcoholic rice-based beverages not being milk substitutes; almond juice beverages in the nature of milk of almonds for beverage; ginger ale; soft drinks; aerated water; ~~fruit juice concentrates; fruit syrup, namely, syrups for making fruit flavored drinks;~~ mineral water; water beverages; flavor enhanced water; beer; alcohol-free beers; non-alcoholic cocktail; **none of the foregoing being frozen, with the exception of ice cream soda and smoothies, and all of the foregoing being sold only from retail cafes and not sold in grocery stores or supermarkets**

3. Contingent upon acceptance of the amendments entered in Paragraphs 1 and 2 above, Opposition No. 91238728 is hereby withdrawn with prejudice.

Respectfully submitted,

Date: 5 June 2020

By: /Miriam Trudell/

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**ATTORNEYS FOR APPLICANT
PARIS CROISSANT CO., LTD.**

Date: June 5, 2020

By: /Michelle Alvey/

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**ATTORNEYS FOR OPPOSER
BIRDS EYE FOODS LLC**

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020 a true and correct copy of the **Stipulated Motion to Amend the Applications and Withdraw Opposition** was served by email only to:

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_____/Miriam Trudell/_____