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

Proceeding	91248210
Party	Plaintiff Link Snacks, Inc.
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Date	03/19/2020
Attachments	13824946_1.PDF(190053 bytes)

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

In the Matter of Application Serial Nos. 87/455,314 & 87/456,626

Mark: FRESH THYME FARMERS MARKET and design

Filed: May 18, 2017 & May 19, 2017

Published in the *Official Gazette* on January 8, 2019

LINK SNACKS, INC.,

Opposer,

- against -

LAKES VENTURE, LLC,

Applicant.

Opposition No. 91248210

**MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION
AMENDMENT; (b) TO SUSPEND OPPOSITION; and (c) FOR CONDITIONAL
DISMISSAL OF OPPOSITION WITHOUT PREJUDICE OR ENTRY OF JUDGMENT**

Opposer Link Snacks, Inc., and Applicant Lakes Venture, LLC jointly move to amend by post-publication amendment the identification of goods and services in Lakes Venture's pending applications to register FRESH THYME FARMERS MARKET and design



, Application Serial No. 87/455,314, and FRESH THYME

FARMERS MARKET and design



, Application Serial No.

87/456,626, which are the subject of the above-identified opposition; to suspend the proceeding pending the Board's review of the amendment; and to dismiss the opposition without prejudice and without entry of judgment against either party, upon the acceptance of the amendment.

Applicant, with the consent of Opposer, requests the following amendment to the goods listed in Application Serial No. 87/455,314:

Class 29: amend to recite: “Processed fruits, bottled fruits, dried fruits, preserved fruits frozen fruits, fruit chips, fruit paste, fruit rinds, fruit salads, fruit sauces, fruit topping, fruit-based snack food, fruit preserves and conserves, fruit-based spreads, cut or sliced fresh fruits, applesauce, processed apples, processed apricots, banana chips, processed blueberries, processed cherries, raisins, cranberry sauce, crystallized fruit, jams, jellies, lemon curd, marmalade, processed dates, processed artichokes, processed asparagus, processed avocados, processed beans, baked beans, dried beans, processed beets, processed olives, processed mushrooms, processed onions, processed peppers, processed pimientos, processed potatoes, processed tomatoes, canned soybeans, potato chips, yuca chips, cole slaw, dried soybeans, french fried potatoes, gherkins, guacamole, instant potatoes, dried lentils, pickled vegetables, pickles, potato crisps, potato pancakes, processed corn, salads except macaroni, rice and pasta salad, sauerkraut, vegetable salads, processed vegetables, tomato paste, tomato puree, textured vegetable protein for use as a meat extender, tofu, processed pumpkin seeds, processed almonds, processed coconut, peanut butter, nut butter, butter, butter substitutes, cooking oil, processed edible seeds not being seasonings or flavorings, candied fruit and candied fruit snacks and candied nuts, processed nuts, tahini, vegetable oils for food, processed anchovies, processed clams, caviar, bacon, beef, corned beef, bologna, chicken, seafood, not live; bouillon, soup broth. soup mixes, chowder, clam juice, chili, chop suey, chow mein, fish, not live; fish and chips, fish fillets, ham, hamburger meat, hot dogs, jerky, meat substitutes, pate, pork, pork rinds, poultry, poultry substitutes, processed prawns, processed lamb, salami, salmon, not live; mayonnaise-based sandwich spread, sardines, not live; sausages, shellfish not live, processed shrimp, smoked salmon, lox, tuna fish, not live; turkey, veal, cream cheese, cheese spreads, cheese substitutes, cheese and cracker combinations, milk, half and half milk and cream mixture, non-dairy creamer, acidophilus milk, chocolate milk, cream, whey-based food beverages, soy milk, dairy-based food beverages, dairy-based chocolate food beverages, vegetable-based food beverages, vegetable-based chocolate food beverages, dairy products, namely, sour cream, cottage cheese and butter, dairy-based dips, dips excluding salsa and other sauces used as dips, non-alcoholic egg nog, egg substitute, margarine, margarine substitutes, sour cream substitutes, sour cream, whipping cream and yogurt; potato based dumplings; potato based gnocchi; excluding jerky.”

Applicant, with the consent of Opposer, requests the following amendment to the goods listed in Application Serial No. 87/456,626:

Class 29: amend to “Canned fruits, canned corn, edible oils, salad oil, olive oil for food, roast beef, soups, kielbasa, luncheon meats, smoked sausage, meat, prepared food kits composed of meat, poultry, fish, seafood, pasta and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal, cheese, eggs, processed garlic; excluding jerky.”

For the avoidance of doubt, no change is requested to the identification of goods and services in any other classes.

Because the proposed amendments amend class 29 with a narrowing amendment, no re-publication is required and they are permissible pursuant to TMEP 1505.03(b) and TBMP 514.02.

The Parties also jointly move to suspend the opposition pending review and acceptance of the proposed amendments. The Parties further consent that upon the approval and entry of the above-proposed amendments to Application Serial Nos. 87/455,314 & 87/456,626, the proceeding be dismissed without prejudice and without entry of judgment against either party.

Dated: _____
_March 16_____, 2020


Dated: _____
March 19, 2020

LAKES VENTURE, LLC
by its counsel
BARNES & THORNBURG LLP

LINK SNACKS, INC.
by its counsel
MERCHANT & GOULD P.C.

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION AMENDMENT; (b) TO SUSPEND OPPOSITION; and (c) FOR CONDITIONAL DISMISSAL OF OPPOSITION WITHOUT PREJUDICE OR ENTRY OF JUDGMENT was served on the following attorneys for Applicant by email this 19th day of March, 2020:

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