

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RA/jk

May 27, 2020

Opposition No. 91252846

FRC Balance LLC

v.

Bumble Bee Foods, LLC

By the Trademark Trial and Appeal Board:

On April 21, 2020, Applicant filed a renewed proposed amendment to application Serial No. 88444317, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to amend the identification of goods,

From: "Seafood, not live"

To: "Seafood, not live, and not promoted for sale at or to a restaurant, not including convenience stores, minimarts, delis, kiosks, cafes and coffee shops that regularly provide a case for packaged foods (e.g. franchise chain coffee shops and university campus stores), and similar food service outlets that offer a variety of third party branded food items for sale at retail."

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).

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