

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

Mailed: October 20, 2015

Opposition No. 91212861

Fairmont Holdings, Inc.

v.

Bacardi & Company Limited

**George C. Pologeorgis,
Interlocutory Attorney:**

On August 18, 2015, Applicant filed a proposed amendment to its involved application Serial No. 85859951, with Opposer's consent, pursuant to the parties' settlement agreement.¹ On August 21, 2015, Opposer filed a proposed amendment to its pleaded pending application Serial No. 86085164, as well as its application Serial No. 86397357, also pursuant to the parties' settlement agreement.

By its proposed amendment, Applicant seeks to amend the identification of goods from "**alcoholic beverages except beers**" to "**whiskey**."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

¹ The Board notes that Applicant also filed its proposed amendment via TEAS with the examining corps operation. Such filing was inappropriate because the Board currently has jurisdiction over Applicant's involved application.

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With regard to Opposer's motion to amend filed on August 21, 2015, the Board notes that it does not have jurisdiction over Opposer's pleaded pending application Serial No. 86085164 or its application Serial No. 86397357. Accordingly, the Board cannot entertain Opposer's motion to amend the identifications in either of these two applications and therefore will give no further consideration to Opposer's motion to amend filed on August 21, 2015.²

If Applicant's amendment resolves this proceeding, Opposer and Applicant are allowed until **twenty (20) days** from the mailing date of this order to file a withdrawal of the opposition and a withdrawal of the counterclaim, respectively, failing which the opposition and counterclaim will go forward on Applicant's application as amended. *See* Trademark Rule 2.106(c).³

Proceedings are otherwise **suspended** pending a response to this order.

² Opposer's proposed amendment to its applications should be filed with the examining attorney assigned to each application. If the parties choose to do so, the parties may request that this proceeding be suspended pending the examining attorney's consideration of Opposer's proposed amendments to its applications.

³ In light of this order, Applicant's June 26, 2015, motion to suspend is deemed moot and will be given no further consideration.