

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

nmt

Mailed: June 7, 2016

Opposition No. 91219879

*Kelin Srl*

*v.*

*Lane Bryant Purchasing Corp.*

**Benjamin U. Okeke, Interlocutory Attorney:**

No answer having been timely received, the Board issued notice of default to Applicant, on May 9, 2016, allowing it thirty days in which to show cause why judgment should not be entered against it. Now before the Board is Applicant's May 10, 2016 motion to set aside the notice of default and stipulated motion to amend its application Serial No. 86210322.

By its motion, Applicant states that the parties have been engaged in on-going settlement negotiations, that Applicant's failure to file a timely answer was inadvertent, that Applicant wishes to set aside the notice of default, that Opposer does not object thereto and has in fact filed a stipulated motion to amend the involved application in order to settle this proceeding amicably. In view thereof, the Board finds good cause to discharge Applicant's default. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991).

Accordingly, Applicant's motion is **GRANTED** and the notice of default is **SET ASIDE**.

Additionally, the parties' stipulated amendment to application Serial No. 86210322 seeks to amend the identification of goods in International Class 18 to add the following underlined language:

Handbags, purses, tote bags, gym bags, travel baggage and wallets, none of the foregoing goods being specially designed as motorcycle accessories or specifically marketed to cyclists, motorcyclists, hikers or sportsmen through specialty dealers of bicycles, motorcycles or hiking or hunting equipment.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents, 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 mailing 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.

The proceeding is otherwise **SUSPENDED**.