

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

EJW/vw

Mailed: January 8, 2016

Opposition No. 91220185

Vertex Pharmaceuticals Incorporated

v.

Be Powerful, LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On December 16, 2015, pursuant to the parties' Settlement Agreement, Applicant filed a proposed amendment to its involved application Serial No. 86076649, with Opposer's consent. By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 5 to add the wording underlined and shown in bold type font below:

Dietary and nutritional supplements **for increasing physical strength, losing weight or enhancing athletic performance.**

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).

If the foregoing amendment resolves the dispute between the parties, Opposer is allowed until **THIRTY (30) DAYS** from the mailing date of this order to file a

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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.

Proceedings otherwise remain **SUSPENDED**.