UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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GMM/ey

Mailed: August 31, 2016

Opposition No. 91223605

Sazerac Company, Inc.

v.

Bently Heritage L.L.C.

By the Trademark Trial and Appeal Board:

On June 27, 2016, the Board issued a notice of default against Applicant for failure to file an answer to the notice of opposition. On June 29, 2016, Applicant filed a response to the notice of default. Also on June 29, 2016, Applicant filed a motion to amend Serial No. 86463568, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.[1]

In view of the fact that Opposer has not filed a brief in opposition to Applicant's motion to set aside the notice of default, Applicant's motion is granted as conceded. *See* Trademark Rule 2.127(a). The notice of default is discharged.

[1] The proposed motion to amend the application and dismiss the opposition does not indicate proof of service, as required by Trademark Rule 2.119. However, both parties' have signed the motion and indicated their consent. Therefore, in the interest of expediting this matter, the Board has exercised its discretion and considered the motion.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 33 **from** "Distilled Spirits" **to** "Distilled Spirits namely, gin, rum, absinthe, whiskey and bourbon, but excluding vodka, liqueurs, tequila and prepared cocktails."

Because the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents to its entry, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

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