

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

mw/ey

Mailed: August 9, 2016

Opposition No. 91225007

NeverWet LLC

v.

Neil Delves and Kevin Giufre

Michael Webster, Interlocutory Attorney:

On August 5, 2016, Applicant filed a request to set aside default and a proposed amendment to its application Serial No. 86376134 with Opposer's consent.

In view of the consented motion to amend and because Applicant has shown good cause why default should not be entered against it, the Board's notice of default issued July 28, 2016, is hereby set aside. *See Jack Lenor Larsen Inc. v. Chas. O. Larson Co.*, 44 USPQ2d 1950, 1952 (TTAB 1997); TBMP § 312.02.

By the proposed amendment Applicant seeks to amend the identification of goods in International Class 37 as follows (underlined wording represents proposed wording to be added to the recitation of services):

From: Waterproofing of basements; Waterproofing of basements to prepare them to be finished

To: Waterproofing of basements; Waterproofing of basements to prepare them to be finished; all of the foregoing limited to professional services.

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 amendment resolves this proceeding, Opposer is allowed until thirty (30) 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.

Proceedings are otherwise suspended.