

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

Am

Mailed: March 9, 2016

Opposition No. 91224545

E. & J. Gallo Winery

v.

Philly's Premium Beverages LLC

**Robert H. Coggins,
Interlocutory Attorney:**

On February 29, 2016, Applicant filed a consented motion to amend subject application Serial No. 86541315.¹ By the motion, Applicant seeks to amend the identification of goods from “liqueurs” to “banana-flavored egg crème liqueurs.”

Inasmuch as the amendment is limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the motion to amend is granted and the amendment is 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). Proceedings are otherwise suspended. If no response is filed, proceedings will be resumed and dates reset, as appropriate.

¹ The certificate of service indicates service by electronic transmission. Inasmuch as electronic service is available only when mutually agreed upon by the parties (*see* Trademark Rule 2.119(b)(6)), the Board prefers that parties reference their agreement in the certificate – for example, by including language such as “by mutual agreement.”