

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 10, 2020

Opposition No. 91248292

*Comercializadora de Lácteos y Derivados,
S.A. de C.V. and Borden Dairy Company*

v.

1412 Broadway Rooftop LLC

By the Trademark Trial and Appeal Board:

On December 10, 2019, Applicant filed a proposed amendment to application Serial No. 88022622, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of services as follows (additions in **bold**):

From: Bar and restaurant services.

To: Bar **services featuring alcoholic beverages** and **upscale** restaurant services **provided exclusively in connection therewith; the foregoing services excluding the sale or offering of foods or beverages consisting primarily of dairy or dairy-based foods or beverages.**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

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