

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RA/apb

January 28, 2021

Opposition No. 91263461

Indian River Beverage Corporation

v.

Bepensa Spirits, S.A. de C.V.

By the Trademark Trial and Appeal Board:

On January 21, 2021, Applicant filed a proposed amendment to its application Serial No. 88671219, with Opposer's consent, and Opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods,

FROM "Alcoholic beverages except beers"

TO "Alcoholic beverages except beer **and hard cider, namely, prepared alcoholic cocktails, alcoholic carbonated beverages, malt based alcohol beverages, none of the foregoing including beverages with rum or flavor-profiles of rum.**"

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).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed with prejudice in accordance with the agreement between the parties.