

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Crennan/DelGizzi/JMM

April 5, 2021

Opposition No. 91265955

*LES DOMAINES BARONS DE
ROTHSCHILD (LAFITE)*

v.

Spirits of the USA LLC

By the Trademark Trial and Appeal Board:

On March 30, 2021, Opposer filed Applicant's proposed amendment to application Serial No. 88897163, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 33 as follows (additions shown in bold):

From: Alcoholic beverages, except beer

To: Alcoholic beverages, except beer; **expressly excluding wine, sparkling wine, and champagne**

¹ The Board notes that Opposer's consented submission was not accompanied by a certificate of service. Even though the filing is stipulated, the party filing the request with the Board must include proof of service of the filing on its adversary, as required by Trademark Rule 2.119(b). The Board exercises its discretion to consider the filing. However, strict compliance is required in all future submissions filed with the Board. A copy of the filing can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

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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 without prejudice.