

ESTTA Tracking number: **ESTTA1224741**

Filing date: **07/27/2022**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91268656
Party	Defendant Ascent Ventures, LLC
Correspondence address	RICHARD MACMILLAN MACMILLAN, SOBANSKI & TODD, LLC 720 WATER STREET ONE MARITIME PLAZA, 5TH FLOOR TOLEDO, OH 43604 UNITED STATES Primary email: mst@mstfirm.com Secondary email(s): macmillan@mstfirm.com 419-255-5900
Submission	Motion to Amend Application
Filer's name	Richard S. MacMillan
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Signature	/richardsmacmillan/
Date	07/27/2022
Attachments	MotionToAmend.pdf(14395 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LEPRINO FOODS COMPANY,)
Opposer,) Opposition No.: 91268656
)
vs.) Serial Nos. 88/929,948 and 88/929,971
)
ASCENT VENTURES, LLC,) Marks: ASCENT KOMBUCHA
Applicant.)

MOTION BY APPLICANT ASCENT VENTURES, LLC
TO AMEND SERIAL NO. 88/929,948

Pursuant to a settlement agreement by the parties, Applicant Ascent Ventures, LLC moves to amend the description of the goods in Serial No. 88/929,948 to read:

"Kombucha tea, excluding whey beverages, protein beverages, sports drinks, energy, electrolyte drinks, protein bars, nutritional supplements, dietary supplements, and proteins for use in the manufacture of food and beverage products."

A separate motion is being filed to withdraw Serial No. 88/929,971 pursuant to that settlement agreement. As a result, the issues raised in the above-identified Opposition will be rendered moot, and the Opposition should be dismissed.

Respectfully submitted,

/richardsmacmillan/

Richard S. MacMillan
Reg. No. 30,085

MacMillan, Sobanski & Todd, LLC
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CERTIFICATE OF SERVICE

This will hereby certify that a copy of the foregoing MOTION BY APPLICANT ASCENT VENTURES, LLC TO AMEND SERIAL NO. 88/929,948 has been served upon all parties, at their address of record by email on this 27th day of July, 2022.

/richardsmacmillan/
Richard S. MacMillan