

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/ey

November 3, 2022

Opposition No. **91278040**

El Encanto, Inc.

v.

Todd Jones

Yong Oh (Richard) Kim, Interlocutory Attorney:

On October 26, 2022, Applicant filed a proposed amendment to its **Application Serial No. 90811577**, with Opposer's consent, and Opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to change the identification of goods in International Class 30 as follows (additions in bold):

From: Cookies; Bakery products; Donuts; Doughnut holes; Doughnuts; in International Class 30.

To: Cookies; Bakery products **excluding tortillas**; Donuts; Doughnut holes; Doughnuts; in International Class 30.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, it is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

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Although the contingency in Opposer's stated withdrawal has been met, Applicant's consented motion fails to include the written authorization of Opposer or Opposer's counsel. The opposition will not be dismissed in the absence thereof. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 601.01 (June 2022). Thus, Opposer is allowed until **NOVEMBER 21, 2022**, to file its written authorization to the withdrawal of this opposition without prejudice.

Proceedings herein are otherwise **SUSPENDED**.

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