UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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LH/SWF

June 11, 2024

Opposition No. 91278292

Auburn University

v.

Graduate IP LLC

By the Trademark Trial and Appeal Board:

On June 4, 2024, Applicant filed a stipulated proposed amendment to its application Serial No. 97209154, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to (1) amend the drawing of the standard character mark from GRADUATE AUBURN to GRADUATE AUBURN, AL; (2) amend the disclaimer to: "No claim is made to the exclusive right to use 'AUBURN, AL' apart from the mark as shown;" and (3) amend the identification of services in International Class 43 as follows:[1]

From: Hotel, bar and restaurant services; Resort lodging services; Providing banquet and social function facilities for special occasions; Providing general purpose facilities for meetings, conferences and exhibitions

To: Hotel, bar and restaurant services; Resort lodging services; Providing banquet and social function facilities for special occasions; Providing

[1] The **bold** wording indicates the proposed language to be added to the identification.

> general purpose facilities for meetings, conferences and exhibitions**; all of the foregoing concerning, pertaining or relating to or rendered for, in or at a hotel located in the city of Auburn, Alabama, but unaffiliated with Auburn University**

Regarding the amendment to the drawing of the mark, the Board finds that the amendment does not materially alter the mark. *See* Trademark Rule 2.72(b). Regarding the amendment to the disclaimer, the Board finds that the amendment is in compliance with Trademark Act § 6, 15 U.S.C. § 1056. Finally, regarding the amendment to the identification of services, the Board finds that the amendment is limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposer consents to each of these amendments, the amendments are approved and entered. *See* Trademark Rule 2.133.

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice in accordance with the agreement between the parties.[2]

[2] The parties' consent motion to suspend proceedings is, therefore, moot.