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

Proceeding no.	91282380
Party	Plaintiff FUN WINE (USA) LLC
Correspondence address	JOSHUA M. GERBEN, ESQ. GERBEN PERROTT, PLLC 1050 CONNECTICUT AVE NW SUITE 500 WASHINGTON, DC 20036 UNITED STATES Primary email: jgerben@gerbenlawfirm.com Secondary email(s): sedbrooke@gerbenlawfirm.com No phone number provided
Submission	Withdrawal of Opposition
Filer's name	Sophie Edbrooke, Esq., Authorized Attorney, MD Bar Member
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Signature	/Sophie Edbrooke/
Date	03/21/2023
Attachments	FIZZY FRUITY FUN TTAB MOTION EX.pdf(111301 bytes)

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

Fun Wine (USA) LLC,

Opposer,

v.

American Beverage Corporation,

Applicant,

Opposition No.: 91282380

FIZZY, FRUITY, FUN

Serial No: 97053645

CONSENTED WITHDRAWAL OF NOTICE OF OPPOSITION

TO THE BOARD:

Pursuant to an agreement between the Parties and Rule 2.133 of the Trademark Rules of Practice, the Parties hereby jointly move to amend the identification in Serial No. 97053645. The original identification reads as follows:

“Flavored alcoholic brewed malt-based beverages in the nature of alcoholic flavored brewed malt beverages, except beers” in International Class 33.

The amended identification proposed by the Parties reads as follows:

“Flavored alcoholic brewed malt-based beverages in the nature of alcoholic flavored brewed malt beverages, except beers, and excluding wine or wine-based beverages” in International Class 33.

It is respectfully submitted that the additional language in the proposed amendment (shown in underline) is permitted because the amended identification narrows rather than broadens the scope of the application. Upon acceptance of the amended identification, Opposer asks that its Notice of Opposition be withdrawn, with Applicant's consent.

[signatures on next page]

Respectfully submitted:



Dawn Rudenko
Attorney for Applicant

Dated: 3/20/2023



Joshua Gerben, Esq.
Attorney for Opposer

Dated: March 21, 2023