

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

ajl/nmt

March 30, 2023

Opposition No. 91282380

Fun Wine (USA) LLC

v.

American Beverage Corporation

By the Trademark Trial and Appeal Board:

On March 21, 2023, Opposer filed the parties' stipulated proposed amendment to Application Serial No. 97053645, with Opposer's consent, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment. 8 TTABVUE.¹

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

From:

Flavored alcoholic brewed malt-based beverages in the nature
of alcoholic flavored brewed malt beverages, except beers

¹ The Board notes that Opposer's motion to amend and withdraw is not accompanied by proof of service. Although the motion is stipulated, the party filing a request with the Board must include proof of service of the filing on its adversary, as required by Trademark Rule 2.119(b), 37 C.F.R. § 2.119(b). In its discretion, the Board accepts the filing. A copy of the filing can be viewed on TTABVUE at: <http://ttabvue.uspto.gov>.

To:

Flavored alcoholic brewed malt-based beverages in the nature of alcoholic flavored brewed malt beverages, except beers, **and excluding wine or wine-based beverages**

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 in accordance with the agreement between the parties.