

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WF/Bukrinsky

March 4, 2020

Cancellation No. 92071702

Milly Organic Spirits, LLC

v.

Goh Joo Hin Pte Ltd

By the Trademark Trial and Appeal Board:

On February 24, 2020, the Board allowed Respondent time in which to resubmit its motion to amend its involved Registration No. 4562678 (“Registration ’678”) in order to submit the requisite fee under Trademark Rule 2.6 and declaration under Trademark Rule 2.20. 17 TTABVUE. On February 27, 2020, Respondent filed a modified motion to amend Registration ’678, with Petitioner’s consent, and Petitioner’s withdrawal of the petition to cancel, contingent upon entry of the amendment.¹ 18 TTABVUE.

By the proposed amendment, Respondent seeks to amend the existing identification of goods in International Class 32 from (~~strike through text removed,~~ **bold text added**):

¹ Pursuant to the parties’ agreement, International Classes 29 and 30, which are subject to the cancellation proceeding are to remain unchanged.

From: Non-alcoholic cocktails, fruit juices, lemonades, mineral water, nonalcoholic beverages, namely, mineral water; non-alcoholic fruit extracts used in the preparation of beverages; non-alcoholic fruit juice beverages; fruit powders and isotonic powders for use in the preparation of effervescing beverages in the nature of isotonic sports drinks, fruit-based beverages, and vegetable-based beverages, namely, vegetable drinks; tomato juice and drinking waters; vegetable juice, fruit juice, and nonalcoholic malt beverages all containing edible bird's nest; non-alcoholic drinks, namely, tonic water and non-medicated beverage in the nature of drinking water; aerated water; drinking water, mineral water, distilled drinking water containing bird's nest made with rock sugar; syrups for making beverages containing bird's nest with rock sugar; essences for making non-alcoholic beverages in the nature of essences of chicken; ~~beer, ale and porter~~; aerated waters, lemonades; tomato juice; vegetable juices; isotonic beverages; **all of the foregoing excluding alcoholic beverages**;

To: Non-alcoholic cocktails, fruit juices, lemonades, mineral water, nonalcoholic beverages, namely, mineral water; non-alcoholic fruit extracts used in the preparation of beverages; non-alcoholic fruit juice beverages; fruit powders and isotonic powders for use in the preparation of effervescing beverages in the nature of isotonic sports drinks, fruit-based beverages, and vegetable-based beverages, namely, vegetable drinks; tomato juice and drinking waters; vegetable juice, fruit juice, and nonalcoholic malt beverages all containing edible bird's nest; non-alcoholic drinks, namely, tonic water and non-medicated beverage in the nature of drinking water; aerated water; drinking water, mineral water, distilled drinking water containing bird's nest made with rock sugar; syrups for making beverages containing bird's nest with rock sugar; essences for making non-alcoholic beverages in the nature of essences of chicken; aerated waters, lemonades; tomato juice; vegetable juices; isotonic beverages; **all of the foregoing excluding alcoholic beverages**.

The modified amendment now complies with the requirements of Trademark Rule 2.173, and is limiting in nature. Moreover, Petitioner consents thereto. Accordingly, the amendment is approved. *See* Trademark Rule 2.133(a). The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.²

² A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.

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The contingency in Petitioner's withdrawal having now been met, the petition to cancel is **denied without prejudice** in accordance with the agreement between the parties.
