

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Nmt/wbc

Mailed: January 26, 2016

**Opposition No. 91171281
(Parent case)**

Opposition No. 91173117

Opposition No. 91173118

Opposition No. 91191995

Opposition No. 91171283

Opposition No. 91171284

Opposition No. 91186414

Opposition No. 91194226

*Pom Wonderful LLC and Pom Wonderful
Holdings LLC*

v.

Jarrow Formulas, Inc.

By the Trademark Trial and Appeal Board:

The Board notes that on January 7, 2016, the parties filed a stipulated motion to withdraw Applicant's motion to dismiss (filed November 20, 2015). Accordingly the motion is withdrawn and will receive no further consideration.

Also on January 7, 2016 Jarrow Formulas Inc. ("JFI") filed a stipulated proposed amendment to application Serial Nos. 78635298, 77294016, and 78727050.

By the proposed amendment JFI seeks to change the identification of goods by deleting, in its entirety, the goods identified in International Class 32, i.e., one of the two classes of goods that are subject to the instant opposition.¹

In an opposition to an application having multiple classes, if the Applicant files a request to amend the application to delete an opposed class, the request for amendment is, in effect, an abandonment of the application with respect to that class, and is governed by Trademark Rule 2.135. *See* TBMP §602.01.

In view thereof, and because PomWonderful LLC and Pom Wonderful Holdings LLC's (collectively, "PWL") written consent to the abandonment of Class 32 is of record, JFI's motion is **granted**; the applications noted above stand abandoned as to International Class 32. If these amendments resolve Opposition Nos. 91171283, 91171284, and 91186414, PWL are allowed until **thirty days** from the mailing date of this order to file a withdrawal of the oppositions, failing which the oppositions will go forward on the applications as amended. *See* Trademark Rule 2.106(c). If no response is filed, proceedings will be resumed and dates reset, as appropriate.

On January 7, 2016, JFI filed another motion in which it seeks to abandon application Serial Nos. 78751860, 78829152, 78829128, and 77651415 without prejudice and withdraw Opposition No. 91194226 without prejudice, with PWL's written consent. PWL seeks to withdraw Opposition Nos. 91171281, 91173117, 91173118, and 91191995 without prejudice, with JFI's written consent.

¹ JFI's proposed amendment to its identification of goods leaves unchanged the recitation of goods in International Class 5.

Consolidated Opposition No. 91171281 (parent)

In view thereof, the motion to abandon the applications and withdraw the oppositions as noted above, is **granted**. Application Serial Nos. 78751860, 78829152, 78829128, and 77651415 hereby stand abandoned. Opposition Nos. 91194226, 91171281, 91173117, 91173118, and 91191995 are all dismissed without prejudice.

Proceedings are otherwise suspended.