

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

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Mailed: October 16, 2007

Opposition No. 91176040

NetVision, Inc.

v.

Chubb International Holdings  
Limited

On July 20, 2007, applicant filed a proposed amendment to its application Serial 78455179. On July 20, 2007, opposer filed a withdrawal of the opposition.

By the proposed amendment applicant seeks to change the identification of goods by deleting, in its entirety, the goods identified in International Class 38.<sup>1</sup>

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. Trademark Rule 2.135 provides as follows:

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<sup>1</sup> Applicant's proposed amendments to its identification of goods leaves unchanged the recitation of goods in International Classes 38 in Serial No. 78455179, which are not subject to the instant opposition.

After the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. The written consent of an adverse party may be signed by the adverse party or by the adverse party's attorney or other authorized representative.

In view thereof, and because opposer's written consent to the abandonment of Class 38 in Serial No. 78455179 is not of record, judgment is hereby entered against applicant, the opposition is sustained in class 38, and registration to applicant in Class 38 is refused.

Application Serial No. 78455179 will proceed to registration with regard to the goods identified therein in classes 9, 37, 39 and 45.

***By the Trademark Trial  
and Appeal Board***