

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

cv

Mailed: August 7, 2009

Opposition No. 91188339

Russell G .Weiner

v.

Pisano, John, Hofrichter,
Edward!

Cheryl Goodman, Interlocutory Attorney:

On July 17, 2009, applicant filed a proposed amendment to its application Serial No. 77501585, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in Class 16 **from** "Calendars; prints; posters; stickers; note pads; note books; coasters of paper" **to** "Calendars; prints; posters; stickers; note pads; note books."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Applicant also seeks to **delete** International Class 21 in its entirety from the identification of goods.

When applicant files a request to amend a multiple class application to delete an entire class (or classes) of goods, the request for amendment is, in fact, an abandonment of the

application with respect to that class. *See Trademark Rule 2.135.*

Inasmuch as applicant indicates opposer's consent to the deletion of International Class 21, applicant is allowed until thirty days from the mailing date of this order in which to provide opposer's written consent to the abandonment of the class, failing which, judgment will be entered against applicant, the opposition will be sustained as to International Class 21, and the opposition will proceed with respect to International Classes 16 and 25.

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See Trademark Rule 2.106(c).*