

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

RA/MCF

Mailed: September 27, 2011

Opposition No. 91195018

Banana Republic
(Apparel) LLC

v.

Arnold P. Nerenberg

On August 3, 2011, the parties filed a proposed amendment to application Serial No. 77538225, with the written consent of both parties appearing on the filing.

By the proposed amendment applicant seeks to delete International classes 14 and 25 in their entirety from the application.¹ The Board further notes that these are the only two classes that were opposed in this opposition.

The amendment was filed by opposer and does not bear a proper certificate of service on counsel for applicant, as Trademark Rule 2.119 requires, although applicant's consent to the amendment is evidenced by counsel's signature on the joint motion.²

¹ Classes 9 and 16 remain unchanged by the amendment.

² Applicant may view the filing at:
<http://ttabvue.uspto.gov/ttabvue/v?pno=91195018&pty=OPP&eno=14>.

A request for an amendment to delete a class in a multiple class application is, in effect, an abandonment of the application with respect to that class. As such it is governed by Rule 2.135, which requires the written consent of every adverse party, which was submitted in this case. See TBMP §§ 602 and 605.03(b)(3d. 2011).

In view thereof, application Serial No. 77538225 stands abandoned as to Classes 14 and 25. The opposition is dismissed with prejudice in accordance with an agreement between the parties.

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