

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

Mailed: June 21, 2011

Opposition No. 91197790

Almod Diamonds Ltd.

v.

Ilitch Enterprises, LLC

Ann Linnehan, Attorney

The Board's order of June 20, 2011 is hereby vacated.

On June 10, 2011, applicant filed a proposed amendment to its application Serial No. 85056431 with an allegation of opposer's consent.

By the proposed amendment applicant seeks to **delete** International Class 35 in its entirety from the identification of goods/services.

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.* Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment **without the written consent** of every adverse party to the proceeding, judgment shall be entered against applicant.

Inasmuch as applicant indicates opposer's consent to the deletion of International Class 9, 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 Class 35 only, and the application will move forward to registration with respect to International Class 14.

Proceedings herein are otherwise suspended.