

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

coggins

Mailed: August 29, 2013

Opposition No. 91198699

Excelled Sheepskin & Leather
Coat Corp.

v.

Terrie A. Dittmeyer

On July 19, 2013, applicant filed a motion to amend subject application Serial No. 77885085 to delete Class 25.¹

The deletion of an entire class of goods in an application is, in effect, an abandonment of that application as to that class, and is governed by Trademark Rule 2.135 which 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. In view thereof, and because opposer's written consent to the

¹ The filing fails to indicate proof of service of a copy of same upon opposer as required by Trademark Rule 2.119. In order to expedite this matter, opposer is directed to the following URL where it may view a copy of the filing.
<http://ttabvue.uspto.gov/ttabvue/v?pno=91198699&pty=OPP&eno=30>

abandonment of Class 25 is not of record, judgment is hereby entered against applicant as to Class 25, the opposition is sustained as to Class 25, and registration to applicant is refused in Class 25.²

Inasmuch as the application is a multiple-class application but Class 25 was the only class subject to opposition, the application will move forward on the unopposed classes.

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

² Opposer's motion (filed July 17, 2013) for an extension of time is moot.