

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

Nmt/Dunn

Mailed: November 28, 2011

Opposition No. 91199280

DC Comics

v.

Superwoman Pty Ltd as
trustee of the
Superwoman Holdings Trust

The Board notes that on October 6, 2011, the parties filed a stipulated amendment to application Serial No. 79060709 and a withdrawal of the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment, the parties seek to change the recitation of services by deleting, in its entirety, the services identified in International Class 41 (one of the three classes of services subject to the instant opposition).¹

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

¹ The proposed amendment leaves unchanged the recitation of services in International Classes 35 and 39.

with respect to that class, and is governed by Trademark Rule 2.135. See TBMP §602.01. Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer's written consent to the abandonment of Class 41 services is of record, it is approved and entered. See Trademark Rule 2.133(a) and 2.135.

The contingency in opposer's withdrawal having been met, the opposition is dismissed without prejudice. Application Serial No. 79060709 will proceed to registration with regard to the services identified in Classes 35 and 39.

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