

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

AM/Dunn

Mailed: June 7, 2012

Opposition No. 91199767

The B.V.D. Licensing  
Corporation

v.

Black Veil Brides Touring,  
Inc.

On February 3, 2012, the parties filed applicant's proposed amendment to its application Serial No. 85071284, with opposer's consent, and opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, applicant seeks to amend the involved application to delete the Class 25 goods in their entirety. 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

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<sup>1</sup> For future reference, following a motion with ESTTA stipulations to suspend proceedings which are automatically granted will ensure that the motion is never referred for action and the case remains in suspension. This order issues only because counsel made a status query.

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with respect to that class, and is governed by Trademark Rule 2.135. TBMP § 605.03(b) (3d ed. 2011).

In view of the foregoing, application **Serial No. 85071284 stands abandoned as to the opposed goods in International Class 25 only.** The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice and the application will move forward on the remaining unopposed classes.

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