

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: June 27, 2014

Opposition No. 91201998

Ghetto Fabolous, Inc.

v.

Sean Puffy Combs

By the Trademark Trial and Appeal Board:

On June 12, 2014, the Board issued an order entering judgment against opposed Class 41, but allowing the application to go forward with respect to Classes 32, 33, 35 and 43 which were unopposed. Then on June 24, 2014, the Board vacated that order and substituted a new order, in order to acknowledge that applicant's abandonment was with respect to all classes of goods and services i.e., in addition to opposed Class 41, applicant was abandoning the application with respect to *unopposed* Classes 32, 33, 35 and 43.¹

However, the order that issued on June 24, 2014 entered judgment against all remaining classes, which is in error inasmuch as the only opposed class in this opposition is Class 41.

¹ Classes 3 and 25, not subject to this opposition, but the subject of Opposition No. 91201999, were abandoned in connection with that opposition.

Accordingly, the order issued June 24, 2014 is vacated and substituted herewith.

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 with respect to the application. If the application is a multiclass application in which not all classes are opposed, then an abandonment of the application without opposer's consent will result in judgment being entered against applicant with respect to the opposed class(es).

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is entered against applicant with respect to Class 41, the opposition is sustained with respect to Class 41 and registration to applicant is refused in Class 41.

The application stands abandoned with respect to Classes 32, 33, 35 and 43. TBMP Section 602.01 (2014).