

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**P.O. Box 1451**  
**Alexandria, VA 22313-1451**  
General Contact Number: 571-272-8500

Csg/Am

Mailed: January 26, 2015

Opposition No. 91204507

Fresenius SE & Co. KGaA and Fresenius  
Medical Care Deutschland GmbH

v.

Hochschule Fresenius gemeinnützige  
GmbH

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

On December 15, 2014, applicant filed a proposed amendment to application Serial No. 79070045, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, applicant seeks to delete Classes 9, 16, 35, 38, 42, 44 and 45 in their entirety. In an opposition to an application having multiple classes, a request to delete an opposed class is, in effect, an abandonment of the application with respect to that class and is governed by Trademark Rule 2.135. TBMP § 605.03(b)

In view of the foregoing, and inasmuch as opposer's written consent to the abandonment is of record, application Serial No. 79090045 stands abandoned as to Classes 9, 16, 35, 38, 42, 44 and 45.

Applicant also seeks to amend the identification of goods and services in Class 28 and 41as follows:<sup>2</sup>

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<sup>1</sup> Opposer's consented motion to suspend proceedings, filed December 4, 2014 is granted.

Class 28

from

"Teaching materials in the form of games, namely, board games, card games"

to

"Teaching materials in the form of games, namely, board games, card games, all the aforementioned goods not for use in the field of health care and medicine."

Class 41

from

"Educational services, namely, conducting classes, seminars, conferences, training courses and workshops in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; providing ~~of~~ training in the use of computers and rhetoric; teaching in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; educational services, namely, conducting classes, seminars and training courses for students and professionals in scientific, commercial, medical and social occupations in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; consultation in the field of education, namely, regarding professional training, educational courses and continued educational training in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; vocational guidance; sound recording studio services; digital photography services; sign language interpretation; presentation of live show performances; provision of educational examinations; educational academies, namely, education services in the nature of courses at the university level; education in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media through correspondence courses; entertainment in the nature of on-going television programs in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; film production; publication of texts other than publicity texts; on-line publishing of electronic books and magazines; arranging and conducting educational conferences; arranging and conducting educational congresses, symposia and colloquia in the field of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; radio entertainment production arranging and conducting of seminars, colloquia, conferences and workshops in the field of chemistry, physics, biology, ~~health~~

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<sup>2</sup> Additions are underlined and deletions are stricken through

~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; organization of exhibitions for cultural or educational purposes; publication and editing of books, newspapers and periodicals; providing on-line non-downloadable publications in the nature of e-books, e-zines, e-newsletters, journals and online magazines in the fields of chemistry, physics, biology, ~~health care, medicine~~, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media;

to

“University educational services, namely, conducting university classes, university seminars, university conferences, university training courses and university workshops in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; providing university training in the use of computers and rhetoric; university teaching in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; university educational services, namely, conducting classes, seminars and training courses for students and professionals in scientific, commercial, medical and social occupations in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; university consultation in the field of education, namely, regarding professional training, educational courses and continued educational training in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; university vocational guidance; sound recording studio services; university digital photography services; university sign language interpretation; presentation of live university directed show performances; university provision of educational examinations; educational academies, namely, education services in the nature of courses at the university level; education in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media through university correspondence courses; entertainment in the nature of on-going university directed television programs in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; film production; publication of university texts other than publicity texts; on-line publishing of electronic university books and magazines; arranging and conducting educational conferences; arranging and conducting university organized educational congresses, symposia and colloquia in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; university directed radio entertainment production; university arrangement and conducting of seminars, colloquia,

conferences and workshops in the field of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; university organization of exhibitions for cultural or educational purposes; publication and editing of books, university newspapers and university periodicals; providing on-line non-downloadable university publications in the nature of e-books, e-zines, e-newsletters, journals and online magazines in the fields of chemistry, physics, biology, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; all of the aforementioned services not for use in the field of health care and medicine

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement of parties.