

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

coggins

Mailed: August 14, 2012

Opposition No. 91205530

Kraft Foods Global Brands LLC

v.

G. Pohl-Boskamp GmbH & Co. KG

On July 23, 2012, applicant filed an amendment to subject application Serial No. 79097740, without opposer's consent. By the proposed amendment, applicant seeks to delete International Class 30 in its entirety. Such an amendment is, in effect, an abandonment of the application with respect to the opposed class, and is governed by Trademark Rule 2.135. See TBMP § 602.01 (3d ed. rev. 2012).

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the applicant files an abandonment of its application without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. In view thereof, because applicant abandons International Class 30, and opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant for International Class 30, the opposition

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is sustained as to that class, and registration to applicant is refused in that class. Inasmuch as International Class 5 was not opposed, the application will move forward to registration in those that class.

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