

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

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Mailed: June 14, 2013

Opposition No. 91209923

Forest Laboratories, Inc.

v.

Apothecary Holdings, Inc.
AKA The Apothecary Shops

Jennifer Krisp, Interlocutory Attorney:

On May 20, 2013, applicant filed a proposed amendment to its application Serial Nos. 85606899 and 85618429, with opposer's consent.

By the proposed amendment applicant seeks to amend the identification of services in International Class 44 in each application **from** "medical and pharmaceutical consultation; pharmacists' services to make up prescriptions" **to** "medical and pharmaceutical consultation in association with a pharmacy's practice; pharmacists' services to make up prescriptions in association with a pharmacy's practice."

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

By the proposed amendment applicant also seeks to amend the applications by deleting International Class 5 in its 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 with respect to that class, and is governed by Trademark Rule 2.135. In view thereof, and because opposer's written consent is of record, application Serial Nos. 85606899 and 85618429 are abandoned with respect to International Class 5 and the opposition is dismissed without prejudice with respect to International Class 5.

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

Proceedings are otherwise suspended.