

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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BUO

Mailed: November 14, 2014

Opposition No. 91213067

Margaritaville Enter., LLC

v.

Simmons Veterinary Clinic, Inc.

By the Trademark Trial and Appeal Board:

On July 18, 2014, the parties' filed a stipulated motion to assign Application Serial No. 85920460 ("the '460 application"), to divide Application Serial No. 85751742 ("the '742 application") and also proposed amendments to the '742 application, and Opposer's withdrawal of the opposition, contingent upon execution of these conditions precedent.

On September 17, 2014, Application Serial No. 85751742 was divided as requested by the parties, and "child" Application Serial No. 85982784 ("the '784 application") was created, containing International Classes 3, 18, 24, 41, 43, and 44 from the parent application.

Additionally, and in accordance with the parties' stipulated motion of July 18, the '460 application and the newly created '784 application were assigned to Opposer, Margaritaville Enterprises. The assignments were both recorded

in the USPTO's Assignment Branch on November 3, 2014 at Reel/Frame 5392/0913 and 5392/0921, respectively.

Additionally, by the proposed amendment to the '742 application, applicant seeks to delete International Classes 20, 21, and 28 in their entirety; leaving only International Class 31 in the '742 application.

In an opposition to an application having multiple classes, if the applicant files a request to amend the application to delete an opposed class in its entirety, 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, Application Serial No. 85751742 stands abandoned with respect to International Classes 20, 21, and 28. Trademark Rule 2.135.

The contingencies in Opposer's withdrawal having been met, the opposition is **DISMISSED** in accordance with the agreement between the parties.