

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

Mailed: December 2, 2013

Opposition No. 91213075

Acer Incorporated

v.

Wu Qing

Nicole Thier, Paralegal Specialist:

The Board notes that on November 26, 2013, applicant filed a proposed amendment to its application Serial No. 85937889.¹

By its proposed amendment, applicant seeks to change the identification of goods by deleting, in its entirety, the goods identified in International Class 9.²

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

¹Applicant's filing does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said filing is forwarded herewith to counsel for opposer.

² Applicant's proposed amendment to its identification of goods leaves unchanged the recitation of goods in International Classes 12 and 20, which are not a party to this proceeding.

amendment is, in effect, an abandonment of the application with respect to that class, and is governed by Trademark Rule 2.135. See TBMP §602.01. Trademark Rule 2.135 provides as follows:

After the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. The written consent of an adverse party may be signed by the adverse party or by the adverse party's attorney or other authorized representative.

In this case opposer's written consent to the abandonment of Class 9 goods is not of record.

In view thereof, applicant is allowed until **THIRTY DAYS** from the mailing date set forth in the caption of this order to submit opposer's written consent to the abandonment of the involved application in the opposed class, failing which judgment will be entered against applicant with regard to the application in International Class 9, the opposition will be sustained in International Class 9, registration to applicant will be refused in International Class 9 and classes 12 and 20 will move forward to registration.

Proceedings are otherwise suspended.