

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

vw/coggins

Mailed: June 22, 2015

Opposition No. 91213190

Genesco Brands, Inc.

v.

Mogens Jepsen Holdings ApS¹

By the Trademark Trial and Appeal Board:

On April 23, 2015, Applicant filed a stipulated motion to amend subject application Serial No. 79115205 to delete International Class 35 in its entirety, and to contingently withdraw the opposition without prejudice.

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. *See* TBMP § 602.01. In view

¹ Inasmuch as the parties' stipulated motion (filed April 23, 2015) names Mogens Jepsen Holdings ApS as the party defendant, and an assignment of the subject application to Mogens Jepsen Holdings ApS was recorded with the Assignment Services Division of the USPTO on February 10, 2014 at Reel/Frame 5212/0125, the Board has updated the caption of this proceeding to reflect that Mogens Jepsen Holdings ApS is the defendant party in interest.

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thereof, and because Opposer's written consent to the abandonment is of record, application Serial No. 79115205 stands **abandoned** with respect to International Class 35.

The contingency in Opposer's withdrawal having been met, the opposition is **dismissed** without prejudice, and the subject application will proceed under International Class 25 only.