

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

nmt/gcp

Mailed: December 24, 2013

Opposition No. 91213272

Fruit of the Loom, Inc.

v.

Ronan B. Rhodes

By the Trademark Trial and Appeal Board:

On December 17, 2013, applicant filed a stipulated proposed amendment to its application Serial No. 85886848.

By proposed amendment, applicant seeks to change the identification of goods by deleting, in its entirety, the goods identified in International Class 25, i.e., the class of goods that is subject to the instant opposition.¹

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. (3d ed. rev. 2 2013).

¹ Applicant's proposed amendment to its identification of goods leaves unchanged the recitation of goods in International Classes 16 and 21, which are not subject to the instant opposition.

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.

Accordingly, inasmuch as opposer has provided its written consent to applicant's proposed amendment, the amendment is approved and entered.

In view of the foregoing, application Serial No. 85886848 stands abandoned with regard to International Class 25 only, and the opposition is dismissed without prejudice. *See* Trademark Rules 2.106(c) and 2.135.

Applicant's application Serial No. 85886848 will proceed to issuance of a notice of allowance solely in regard to International Classes 16 and 21.