

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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nmt/MCF

Mailed: September 29, 2014

Opposition No. 91214480

Viking River Cruises (Bermuda) Ltd.

v.

Heart of the Goat LLC

By the Trademark Trial and Appeal Board:

On September 10, 2014, applicant filed a proposed amendment to application Serial No. 85908205, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

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., one of the three classes of goods that are 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, and as such requires consent of any adverse parties. Trademark Rule 2.135; *see also*, TBMP §602.01.

¹ Applicant's proposed amendment to its identification of goods leaves unchanged the goods in International Class 32.

Opposer has provided its written consent to the deletion of International Class 25.

In addition, applicant seeks to amend the recitation of services in International Class 35 as follows.

from

"On-line retail store services featuring clothing and beer"

to

"On-line retail store services featuring beer."

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

In view thereof, application Serial No. 85908205 stands abandoned in Class 25, and the opposition is dismissed without prejudice. *See* Trademark Rule 2.135.
