

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

RA/tdc

Mailed: October 2, 2015

Opposition No. 91215338

Emitec Gesellschaft fur  
Emissionstechnologie MBH

v.

EMIT Technologies, Inc.

Jennifer Krisp, Interlocutory Attorney:

On August 31, 2015, applicant filed a proposed amendment to its application Serial No. 85912789, with opposer's consent.

By the proposed amendment applicant seeks to delete Class 7 in its entirety, and to amend the identification of goods in Class 9 from “Air-fuel ratio controllers and monitors for use with fuel engines” to “Air-fuel ratio controllers and monitors for use with fuel engines in the natural gas industry.”<sup>1</sup>

Class 9

Inasmuch as the amendment to Class 9 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).

Class 7

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<sup>1</sup> The underlined wording is proposed to be added to the identification.  
The services in Classes 37 and 41 remain unchanged.

Applicant amends to delete Class 7 in its entirety. Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files a written abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant. Applicant's amendment to delete Class 7 from the application operates as an abandonment of the application as to that class. *See* Trademark Rule 2.135; TBMP § 602.01. Because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant as to Class 7, the opposition is sustained and registration to applicant is refused in Class 7.

If the amendment resolves this proceeding, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.