

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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dmd

Mailed: October 11, 2014

Opposition No. 91218372

Chanel, Inc.

v.

Cocotique, LLC.

On October 6, 2014, applicant filed a stipulated proposed amendment to its application Serial No. 85876565.

By proposed amendment, applicant seeks to change the identification of goods by deleting, in their entirety, the goods identified in International Class 3, 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.

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

¹ Applicant's proposed amendment to its identification of goods leaves unchanged the recitation of services in International Class 35, which is not subject to the instant opposition.

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party or by the adverse party's attorney or other authorized representative.

In view thereof, and because opposer's written consent to the abandonment of Class 3 is of record, application Serial No. 85876565 stands abandoned, and the opposition is dismissed without prejudice as to class 3.

Application Serial No. 85876565 will proceed to registration with regard to the services identified therein in class 35.

***By the Trademark Trial
and Appeal Board***