

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

mt/apb

Mailed: April 5, 2016

Opposition No. 91221061

General Nutrition Investment Company

v.

8724709 Canada Inc.

Andrew P. Baxley, Interlocutory Attorney:

On March 30, 2016, Applicant filed a proposed amendment to its application Serial No. 86151084, with Opposer's consent. By the proposed amendment, Applicant seeks to **delete** International Class 3 in its entirety from the identification of goods and amend the goods in International Class 5.

When an applicant files a request to amend a multiple class application to delete an entire class (or classes) of goods, the request for amendment is, in fact, an abandonment of the application with respect to that class. *See* Trademark Rule 2.135. Because Opposer has filed its written consent thereto, application Serial No. 86151084 stands abandoned as to International Class 3.

International Class 5

From "Medicated skin care preparations; acne treatment preparations; pharmaceutical preparations for skin care, skin treatment, skin protection and skin health restoration; medicated skin preparations" **to** "Medicated skin care preparations for topical application to the skin, sold through medical and esthetic clinics; acne

treatment preparations for topical application to the skin, sold through medical and esthetic clinics; and sun screen preparations for topical application to the skin, sold through medical and esthetic clinics."

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

If the amendment resolves this proceeding, opposer should withdraw the opposition within thirty days from the mailing date of this order, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c). Proceedings are otherwise suspended.