

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

Mailed: October 14, 2015

Opposition No. 91222577

CenturyLink, Inc., CenturyLink Intellectual  
Property LLC

v.

Sonlight Curriculum Ltd.

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

The Board notes that on July 23, 2015, Opposers filed the parties' stipulation regarding a proposed amendment to application Serial No. 86341110. Upon entry of the amendment, the parties agree that the opposition should be dismissed without prejudice.

By proposed amendment, the parties seeks to change the identification of services by deleting, in its entirety, the services identified in International Class 38, *i.e.*, the class of services which is subject to the instant opposition.<sup>1</sup>

In an opposition to an application having multiple classes, if the party 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,

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<sup>1</sup> Applicant's proposed amendment to its recitation of services leaves unchanged the recitations of goods and services in International Classes 9, 16, 35 and 41, which are not subject to the instant opposition.

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

In view of the foregoing, application Serial No. 86341110 stands abandoned in Class 38 only, the opposition is dismissed without prejudice and the application will proceed to issuance of a notice of allowance with respect to the remaining classes. *See* Trademark Rule 2.135.