

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
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Am/coggins

Mailed: April 20, 2016

Opposition No. 91223846

*Tony Marterie & Associates*

*v.*

*Fashion Box S.P.A.*

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

On April 13, 2016, Applicant filed a stipulated motion to amend subject application Serial No. 79163298 and to contingently withdraw the opposition with prejudice.<sup>1</sup>

By the proposed amendment Applicant seeks to change the **Class 25** identification of goods from “Denim wear, namely, denim pants, denim shirts, denim skirts, denim jackets, jeans; trousers; skirts; jackets as clothing; track suits; Bermuda shorts” to “denim jeans.” Inasmuch as this amendment is 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).

By the proposed amendment Applicant also seeks to delete **Class 18** in its entirety. In an opposition to an application having multiple classes, a request to

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<sup>1</sup> Applicant’s change of correspondence address, filed April 13, 2016 is noted and entered.

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delete an opposed class is, in effect, an abandonment of the application with respect to that class and is governed by Trademark Rule 2.135. In view of the foregoing, and inasmuch as Opposer's written consent to the abandonment is of record, application Serial No. 79163298 stands abandoned as to Class 18.

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed with prejudice.