

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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VV/gcp

Mailed: August 26, 2016

Opposition No. 91225434

Bold Strategies, Inc.

v.

JRM NutraSciences, LLC

By the Trademark Trial and Appeal Board:

On August 18, 2016, Applicant filed the parties' stipulation with a proposed amendment to application Serial No. 86518646, and Opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to delete the opposed International Class 25 of the subject application in its entirety. In an opposition to an application having multiple classes, if the Applicant files a request to amend the application to delete an opposed class in its entirety, 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 (2016).

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.

Because Opposer's written consent to the abandonment is of record, International Class 25 of the subject application is **ABANDONED**. *See* Trademark Rule 2.135.

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed **WITH PREJUDICE**.

The application will go forward to issuance of a registration solely with regard to the goods identified in International Class 5.