

Baez

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 2, 2003

Opposition No. 91122405

Opposition No. 91122633

BAUSCH & LOMB INCORPORATED

v.

P-COR, L.L.C.

David Mermelstein, Attorney:

On July 21, 2003, applicant filed a proposed amendment to its application Serial No. 75/616,416.

By the proposed amendment applicant seeks to delete all goods in International Class 9. The request to amend an application by deleting an opposed class is, in effect, an abandonment of the application with respect to that class, and is governed by Trademark Rule 2.135. See TBMP § 602.

Applicant also proposes to amend class 42 to read as follows:

Optometric services, namely, performing eye examinations, and fitting and dispensing eyewear and prescriptions.

In view thereof, application Serial No. 75/616,416 stands abandoned as to International Class 9.

Further, since applicant's amendment to International Class 42 is limiting in nature, and the amendment was made

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with opposer's consent, the amendment is approved and entered.¹ See Trademark Rule 2.133(a).

If this resolves the dispute herein, with opposer is allowed until **thirty days** from the mailing date of this order to file a withdrawal of the opposition against Application Serial No. 75/616,416, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

In any event, since the amendment does not affect Application Serial No. 75/340,596, proceedings shall resume against that application following opposer's response.

Proceedings remain otherwise SUSPENDED.

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¹ Upon termination of this proceeding, Application Serial No. 75/616,416 will proceed to registration in International Class 42 only.