

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

tdc/FSW

Mailed: November 20, 2007

Opposition No. 91178737

Econugenics, Inc.

77/075,118

v.

Zone Labs, Inc.

On September 13, 2007, the parties filed applicant's proposed amendment to its application Serial No. 77075118, with opposer's consent, and opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to delete **Class 5 only** in its entirety. When 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*.

Accordingly, inasmuch as opposer consents thereto, application Serial No. 77075118 stands abandoned as to **Class 5 only**. The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*



12-04-2007

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