

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

Winter/vw

**Mailed: February 7, 2008**

**Opposition No. 91179402**

**Wyeth Holdings Corporation**

**v.**

**Quiksilver, Inc.**

On December 20, 2007, applicant filed a partial withdrawal of its application Serial No. 78808422, with respect to class 5 only,<sup>1</sup> without prejudice, and with opposer's written consent. Applicant's consented partial withdrawal of its application with respect to class 5 is considered to be a request to delete the goods in International Class 5 in its entirety from the application.<sup>2</sup>

When an applicant files a request to amend a multiple class application to delete an opposed class, the request for the amendment is, in effect, an abandonment of the application with respect to that class. See Trademark Rule 2.135, 37 C.F.R. § 2.135; and TBMP §§ 602.01 and 605.03(b) (2d ed. rev. 2004).

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<sup>1</sup> Only the goods in International Class 5 are opposed.

**Opposition No. 91177087**

In view thereof, and because opposer consents thereto, application Serial No. 78808422 stands abandoned as to International Class 5 only, said application will go forward with respect to the remaining classes of goods, *i.e.* International Classes 29, 30 and 32, and the opposition is dismissed without prejudice. See Trademark Rules 2.133(a) and 2.135, 37 C.F.R. §§ 2.133(a) and 2.135.

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

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<sup>2</sup> The goods recited in International Classes 29, 30, and 32 remain unchanged.