

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

nmt/Faint

Mailed: April 29, 2009

Opposition No. 91182575

Pernod Ricard USA, LLC

v.

Natural Organics, Inc.

On April 6, 2009, applicant filed its proposed amendment to its application Serial No. 77032829, with opposer's consent. On April 20, 2009 opposer filed its withdrawal with prejudice of the opposition, contingent upon entry of the amendment, also with applicant's consent.

By the proposed amendment, applicant seeks delete, in its entirety, the goods identified in International Class 32, i.e., the class of goods that is subject to the instant opposition.¹

In an opposition to an application having multiple classes, if the applicant files a request to amend the application to delete an opposed class, the request for amendment is, in effect, an abandonment of the application

¹ Class 5, which was not subject to this opposition, remains unchanged.

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with respect to that class, and is governed by Trademark Rule 2.135. See TBMP § 602.01 (2d ed. rev. 2004).

In view thereof, application Serial No. 77032829 stands abandoned with prejudice as to the goods in Class 32. See Trademark Rule 2.135.

The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice, as agreed by the parties.

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