

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

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Mailed: August 26, 2011

Opposition No. 91190733

Adobe Systems Incorporated

v.

SXSW, Inc.

Cheryl S. Goodman, Interlocutory Attorney:

On August 19, 2011, applicant filed a proposed amendment to its application Serial No. 77561626, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of services in Class 35 **from** "Advertising agency services; product promotion services; promoting the goods and services of others through the design, production and distribution of marketing and promotional materials and the development and implementation of promotional campaigns; consultation in the fields of branding strategy, marketing, social media strategy and brand positioning and development, and implementation of the foregoing; consultation in the field of logo, brand and product name selection, design, and development; market research services, design and execution of word of mouth, viral, buzz, alternate reality, and experiential marketing programs for others; design, development, and production of internet advertising;

multimedia production for advertising and publicity purposes; creative design services in the fields of advertising and marketing; public relations" **to** "Advertising agency services; product promotion services; consultation in the fields of branding strategy, marketing, social media strategy and brand positioning and development, and implementation of the foregoing; consultation in the field of logo, brand and product name selection, design, and development; market research services, design and execution of word of mouth, viral, buzz, alternate reality, and experiential marketing programs for others; public relations."

By the proposed amendment applicant seeks to change the identification of services in Class 42 **from** "Design of web sites for others; design and development of multimedia and interactive products; packaging design services; animation design services for others" **to** "packaging design services."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Applicant also wishes to amend the application by deleting Class 41 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, 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. In view thereof, and because opposer's written consent is of record, application Serial No. 77561626 is abandoned with respect to Class 41 and the opposition is dismissed without prejudice with respect to Class 41.

If this resolves the dispute herein, opposer is allowed until *thirty days* from the mailing date of this order to file a withdrawal of the opposition with respect to Classes 35 and 42, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).