

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

kk/coggins

Mailed: May 11, 2011

Opposition No. 91193337

Cleveland Indians Baseball  
Company Limited Partnership

v.

Crytek Entertainment GmbH

On April 26, 2011, the parties filed applicant's proposed amendment to application Serial No. 77435332, with opposer's written consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

Amendment

By the proposed amendment applicant seeks to (1) delete Class 16 in its entirety, and (2) add the wording "all the foregoing not relating to baseball or softball or to a baseball or softball team" to the end of the identification of goods and services for Classes 9, 38, 41 and 42.

Class 16

In an opposition to an application having multiple classes, a request to delete a class 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

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because opposer's written consent is of record, application Serial No. 77435332 is abandoned with respect to Class 16.

Classes 9, 38, 41, and 42

Inasmuch as the amendments to Classes 9, 38, 41, and 42 are clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a).

Withdrawal

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice. The application will move forward in Classes 9, 38, 41, and 42.

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