

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

RK/mt

Mailed: October 4, 2011

Opposition No. **91201072**

Stuller, Inc.

v.

Elizabeth D. van Puijenbroek

On September 20, 2011, the parties filed applicant's proposed amendment to its application Serial No. 77924523, with opposer's written consent, and opposer's withdrawal of the opposition without prejudice with applicant's written consent and contingent upon the Board's acceptance and entry of the proposed amendment.

By the proposed amendment, applicant seeks to delete the goods identified in Class 14 in their entirety. The identification of goods in Class 25 remains unchanged. 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. TBMP § 605.03(b) (3d ed. 2011).

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In view of the foregoing, application **Serial No. 77924523 stands abandoned as to the opposed goods in International Class 14 only.** The contingency in opposer's withdrawal having now been met, the opposition is **DISMISSED without prejudice** in accordance with the agreement between the parties and the subject application will proceed to registration under Class 25 only.

*By the Trademark Trial
and Appeal Board*