

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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BUO/lg

Mailed: May 19, 2014

Opposition No. 91212217

*Physio-Control, Inc.*

*v.*

*Salutron, Inc.*

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

On April 7, 2014, applicant filed a proposed amendment to its Application Serial No. 85825264, with opposer's consent, and opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to delete the goods in International Class 10, in their entirety, from the identification of goods.

In an opposition to an application having multiple classes, as is the case here, if an 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; and TBMP § 602.01 (3d ed. rev.2 2013).

Additionally, applicant seeks to amend the identification of goods in International Class 14 to add the following underlined language:

Watches and stopwatches featuring heart rate monitoring functions for general health and fitness and only for non-medical purposes.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents, the amendment is **APPROVED** and **ENTERED**. *See* Trademark Rule 2.133(a).<sup>1</sup>

The contingency in opposer's withdrawal having been met, the opposition is **DISMISSED** in accordance with the agreement between the parties and Application Serial No. 85825264 stands abandoned only with regard to goods identified in International Class 10.

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<sup>1</sup> The stipulated motion to suspend proceedings filed March 31, 2014, is noted.

Additionally, opposer's change of address filed April 15, 2014, is also noted and the Board's records have been updated to reflect this change.