

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

Mailed: July 24, 2014

Opposition No. 91212909

Monster Energy Company

v.

Big Time Holdings, Inc.

By the Trademark Trial and Appeal Board:

On March 31, 2014 and April 16, 2014, the parties filed applicant's proposed amendment to its application Serial Nos. 85864501, with the parties' settlement agreement.

By the proposed amendment applicant seeks to delete the goods in International Class 25, in their entirety, from the identification of goods.¹

In an opposition to an application having multiple classes, as is the case here, 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. *See* TBMP § 602.01 (2014).²

¹ Applicant's proposed amendment leaves International Classes 9 and 21 unchanged.

² Applicant's April 16, 2014 motion to make confidential is granted as modified. The Board has designated the March 25, 2014 filing as confidential. However, applicant's request that a "portion" of the March 31, 2014 filing be designated as confidential is inappropriate; the Board does not and cannot designate as confidential only a portion of a filing which a party has submitted as a single docket entry. Consequently, the Board has designated as confidential the entirety of the March 31, 2014 filing.

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In view thereof, and because opposer's written consent is of record, application Serial No. 85864501 stands abandoned with regard to International Class 25, and the opposition is dismissed with prejudice.

Application Serial No. 85864501 will proceed to issuance of a notice of allowance with regard to International Classes 9 and 21 only.