

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

ey/mbm

Mailed: March 17, 2017

Opposition No. 91216305

*Viber Media S.À r.l.*

*v.*

*Cellnet 7 Inc.*

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

On January 13, 2017, Applicant/Counterclaim Plaintiff filed a corrected proposed amendment to its application Serial No. 77857262. On February 15, 2017, Applicant/Counterclaim Plaintiff filed Opposer/Counterclaim Defendant's consent to the proposed amendment.

By the proposed amendment, Applicant/Counterclaim Plaintiff seeks to delete International Class 38 in its entirety.

As previously noted in the Board's order of January 31, 2017, 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, application Serial No. 77857262 stands abandoned in International Class 38 only, and the opposition is dismissed without prejudice with respect to the goods in International Class 38 only. *See* Trademark Rule 2.135.

If the abandonment of International Class 38 in application Serial No. 77857262 resolves this proceeding, Opposer/Counterclaim Defendant is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application in International Class 9 only. *See* Trademark Rule 2.106(c). Additionally, Applicant/Counterclaim Plaintiff is allowed until thirty days from the mailing date of this order to file a withdrawal of the counterclaim, failing which the counterclaim will go forward.

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings otherwise remain suspended.