

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

csg/emy

Mailed: April 27, 2015

Opposition No. 91218303

Nordstrom, Inc.

v.

Mobilogue, Inc.

By the Trademark Trial and Appeal Board:

On April 20, 2015, Opposer filed a stipulated proposed amendment to application Serial No. 86010784, and withdrawal of the opposition, contingent upon entry of the amendment. By the proposed amendment the parties seeks to amend the identification of goods in International Class 9 and to delete International Class 35 in its entirety. The Board addresses each proposed amendment below.

Class 9

Applicant seeks to amend the identification of goods in International Class 9 as follows:¹

From: Computer application software for mobile phones, portable media players, handheld computers, and desktop computers, namely, software for creating and displaying individualized user pages with information related to fashion, lifestyle, and home goods, and with a simplified method for transacting

¹ The language in bold represents the parties' proposed additions to the identification of goods.

To: Computer application software for mobile phones, portable media players, handheld computers, and desktop computers, namely, software **distributed for use by other businesses** for creating and displaying individualized user pages **for such business's customers** with information related to fashion, lifestyle, and home goods, and with a simplified method for transacting

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

Class 35

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.

Trademark Rule 2.135 provides as follows:

After the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. The written consent of an adverse party may be signed by the adverse party or by the adverse party's attorney or other authorized representative.

In view thereof, and because Opposer's written consent to the abandonment of International Class 35 is of record, application Serial No. 86010784 stands abandoned as to International Class 35.

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.