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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221093
Party	Plaintiff P3 International Corp.
Correspondence Address	JAMES A POWER JR POWER DEL VALLE LLP 233 WEST 72ND STREET NEW YORK, NY 10023 UNITED STATES Email: jp@powerdel.com
Submission	Opposition/Response to Motion
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Date	03/22/2018
Attachments	Amend response.pdf(43141 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

_____)	
P3 INTERNATIONAL CORP.,)	
)	Consolidated Oppositions No.
Opposer,)	
)	91-221093 (parent)
v.)	91-221702
)	
P3 INGENIEURGESELLSCHAFT MBH,)	
)	
Applicant.)	
_____)	

**OPPOSER’S RESPONSE TO APPLICANT’S REQUEST
TO ABANDON ALL CLASSES OPPOSED IN THIS PROCEEDING**

On March 19, 2018, applicant filed a motion to amend its applications to delete, from each, both classes 9 and 11 that are opposed in this proceeding, without opposer’s consent. Applicant’s motion is expressly grounded on 37 CFR § 2.135, which provides for entry of judgment against the applicant. “This request will thus serve, in effect, as an abandonment of the ‘481 and ‘827 applications with respect to classes 9 and 11, as governed by 37 CFR § 2.135.” 40 TTABVUE. “In an opposition to an application having multiple classes, if the applicant files a request to amend the application to delete an opposed class in its entirety, the request for amendment is, in effect, an abandonment of the application with respect to that class, and is governed by 37 CFR § 2.135.” TBMP 602.01.

On February 26, 2018, opposer moved for reconsideration (38 TTABVUE) of the Board’s February 21, 2018 order (37 TTABVUE 6) that, *inter alia*, failed to reset a suspended date for plaintiff’s pretrial disclosures and declined opposer’s request for the entry of judgment, with prejudice, in its favor on all claims and counterclaims. That potentially dispositive motion, which applicant did not oppose, suspended this proceeding except as to matters germane to the motion. 37 CFR § 1.127(d). Applicant’s motion appears to be germane to that motion insofar as it provides opposer the same relief sought therein and concludes this proceeding.

For the foregoing reasons, it is respectfully submitted that the Board enter judgment in favor of opposer, and against applicant, with prejudice, sustaining the opposition and dismissing applicant's counterclaims.

Respectfully submitted,

New York, New York
March 22, 2018

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Certificate of Service

I hereby certify that, on March 22, 2018, a copy of the foregoing response was served upon applicant's counsel:

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