

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

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Mailed: May 25, 2016

Opposition No. 91226918

*Citrix Systems, Inc.*

*v.*

*Silicon Studio Corporation*

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

On May 18, 2016, Applicant filed a proposed amendment<sup>1</sup> to its application Serial No. 86681984.

By the proposed amendment, Applicant seeks to change the identification of services by deleting Class 42 from the application.

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.

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<sup>1</sup> Applicant's motion does not indicate proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. A copy of the motion can be viewed using TTABVUE at <http://ttabvue.uspto.gov>. Future filings must comply with the service requirements in Trademark Rule 2.119 and TBMP Section 113. The Board may decline to consider future non-compliant filings.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record: with respect to the services in Class 42, application Serial No. 86681984 stands abandoned, judgment is hereby entered against Applicant, the opposition is sustained and registration is refused.

With respect to the services in Class 9, if Applicant's amendment resolves the dispute herein, Opposer 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 as amended. See Trademark Rule 2.106(c).

Proceedings herein are otherwise suspended.