

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

kk/MCF

Mailed: July 26, 2016

Opposition No. 91227225

Heineken Asia Pacific Pte. Ltd.

v.

Universidad Autonoma De Nuevo Leon

By the Trademark Trial and Appeal Board:

On June 14, 2016, Applicant filed a proposed amendment to its application Serial No. 85483872, without Opposer's written consent. Opposer filed a response in opposition to the proposed amendment noting that Applicant did not consent to judgment for entry of the amendment, and Applicant filed a reply brief. Applicant also filed, June 15, 2016, a motion to dismiss the opposition based on Applicant's "amendment" to the identification of goods and services. Opposer filed a response to the motion and moved for suspension of this case pending disposition of the motions. Applicant filed a reply brief.

By the proposed amendment, Applicant seeks to change the identification of goods by deleting Classes 31 and 32¹ in their entirety from the identification.

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

¹ It is noted that the notice of opposition was filed against Classes 31 and 32 only.

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 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, **judgment is entered against Applicant**, the opposition is sustained with respect to Classes 31 and 32 and registration to Applicant is refused with respect to Classes 31 and 32.²

In view thereof, Applicant's motion to dismiss, filed June 15, 2016, and Opposer's cross motion to suspend, filed July 6, 2016, are **moot**.

The application will move forward in the remaining unopposed classes.

² Applicant's answer (filed June 15, 2016) is noted.