

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

BUO/VV

Mailed: February 20, 2018

Opposition No. 91236830

Blinc Inc.

v.

Blix Ltd.

By the Trademark Trial and Appeal Board:

On February 5, 2018, Applicant filed a proposed amendment to the involved application Serial No. 87249753.

By the proposed amendment, Applicant seeks to delete the identification of goods in International Classes 1, 2, and 3 in their entirety.¹

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:

¹ Applicant's motion also notes that unopposed International Classes 7, 9, 29, 30 and 32 of the involved application "shall remain unchanged." However, a review of the record reveals that the subject application does not include goods in International Class 7. Accordingly, the Board assumes this to be an inadvertent typographical error.

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 Classes 1, 2 and 3 of the involved application is not of record, judgment is entered against Applicant with respect to International Classes 1, 2 and 3 only. International Classes 1, 2 and 3 of application Serial No. 87249753 are considered **ABANDONED** with prejudice. *See Grinnell Corp. v. Grinnell Concrete Pavingstones Inc.*, 14 USPQ2d 2065, 2067 (TTAB 1990) (consent required for abandonment without prejudice regardless of motivation for abandonment).

Inasmuch as this opposition only involved International Classes 1, 2 and 3 of the subject application, judgment is entered against Applicant and the opposition is **SUSTAINED**.

Application Serial No. 87249753 will proceed with the remaining classes only, *i.e.* International Classes 9, 29, 30 and 32.