

UNITED STATES PATENT AND TRADEMARK OFFICE  
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VV

August 14, 2019

Opposition No. 91243257

*Growmark, Inc.*

*v.*

*Food System 6 Accelerator, Inc.*

**J. Krisp, Interlocutory Attorney:**

On July 30, 2019, Applicant filed a proposed amendment to its involved application Serial No. 87636187, with an allegation of Opposer's consent.

By the proposed amendment, Applicant seeks to amend the recitation of services in the subject application

International Class 35 and 36

By the proposed amendment Applicant seeks to delete the recitation of services in the opposed International Classes 35 and 36 of the involved application in its entirety.

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 services in the opposed International Classes 35 and 36 is not of record, judgment is entered against Applicant, and the opposition is sustained with respect to International Classes 35 and 36.

International Class 41

By the proposed amendment Applicant seeks to amend recitation of services in the opposed International Class 41 of the subject application as follows (wording to be added is in bold):

From: Educational services, namely, conducting programs in the field of business to emerging and start-up companies; Peer to peer coaching services in the field of business

To: Educational services, namely, conducting programs in the field of business to emerging and start-up companies; Peer to peer coaching services in the field of business, **namely accounting, human resources, finance, marketing, and legal; none of the foregoing includes technical training in the fields of agriculture, agronomy, and agronomic products and services.**

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

If the amendment resolves this proceeding, Opposer is allowed until **thirty days from the 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).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise **suspended**.