

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mw/am

March 26, 2019

Opposition No. 91243354

PPG Industries Ohio, Inc.

v.

Amicoat AS

Michael Webster, Interlocutory Attorney:

On March 21, 2019, Applicant filed a proposed amendment to its application Serial No. 79206608, with Opposer's consent. By the proposed amendment, Applicant seeks to amend the identification of goods as follows:

International Class 1

From:

Antimicrobial peptides for preventing and inhibiting formation of biofilms and growth of microorganisms; antimicrobial peptides for use in coating agents and coating compositions, other than paint, namely, antibacterial, antifungal, algicidal and antiviral peptide included in formulations for application on surfaces; antimicrobial peptides for use in coating agents and coating compositions, other than paint, namely, antibacterial, antifungal, algicidal and antiviral agents included in formulations for application on surfaces for preventing formation of biofilm; antimicrobial, antibacterial, algicidal, antifungal and antiviral preparations other than for medical and veterinary use, namely, antibacterial, antifungal, algicidal and antiviral peptides; organic and inorganic chemicals containing antimicrobial, antibacterial, antifungal, algicidal and antiviral properties other than medical or veterinary for preventing formation of biofilms

To:

Antimicrobial peptides for preventing and inhibiting formation of biofilms and growth of microorganisms; antimicrobial peptides for use in coating agents and coating compositions, other than paint, namely, antibacterial, antifungal, algicidal and antiviral peptide included in formulations for application on surfaces; antimicrobial peptides for use in coating agents and coating compositions, other than paint, namely, antibacterial, antifungal, algicidal and antiviral agents included in formulations for application on surfaces for preventing formation of biofilm; antimicrobial, antibacterial, algicidal, antifungal and antiviral preparations other than for medical and veterinary use, namely, antibacterial, antifungal, algicidal and antiviral peptides; organic and inorganic chemicals containing antimicrobial, antibacterial, antifungal, algicidal and antiviral properties other than medical or veterinary for preventing formation of biofilms, **all the foregoing for treating surfaces and impregnating into textiles, fibers, fabrics, woven and non-woven materials, furs, leathers, and padding and all the foregoing not being paint**

International Class 5

From:

Antibacterial preparations for medical purposes, antiviral preparations, algicidal preparations, antifungal preparations, fungicides, germicides, herbicides, insecticides, larvae exterminating preparations, parasiticides, sterilising preparations, vermin destroying preparations, acaricides, contact lens cleaning preparations, disinfectants for hygiene purposes, medical dressings, surgical dressings; medical plasters, dressings, adhesive bandages, and sanitary napkins coated with antimicrobial, antibacterial, antifungal, and antiviral surface coatings

To:

Antibacterial preparations for medical purposes, antiviral preparations, algicidal preparations, antifungal preparations, fungicides, germicides, herbicides, insecticides, larvae exterminating preparations, parasiticides, sterilising preparations, vermin destroying preparations, acaricides, contact lens cleaning preparations, disinfectants for hygiene purposes, medical dressings, surgical dressings; medical plasters, dressings, adhesive bandages, and sanitary napkins coated with antimicrobial, antibacterial, antifungal, and antiviral surface coatings, **and all the foregoing not being paint**

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).

Applicant also seeks to delete Class 2 in its entirety from the involved application. In an opposition to an application having multiple classes, a request to delete an opposed class is, in effect, an abandonment of the application with respect to that class and is governed by Trademark Rule 2.135. TBMP § 605.03(b).

In view of the foregoing, and inasmuch as Opposer's written consent to the abandonment is of record, application Serial No. 79206608 stands abandoned as to Class 2.¹

If the amendments 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**.

¹ The remaining classes of goods or services in the involved application were unopposed and remain unchanged.