UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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MBA/LTS

April 26, 2019

Opposition No. 91244843

STEFANO RICCI S.P.A.

v.

Sofia Marie Reyes

By the Trademark Trial and Appeal Board:

By way of background, Applicant seeks registration for the mark for goods and services in International Classes 9, 25, and 41. When Opposer filed its notice of opposition against Applicant's application Serial No. 87823399 and filled in data for the ESTTA cover sheet to its pleading, Opposer only identified the goods in International Class 25.[1] In view thereof, this opposition only concerns Applicant's identified goods in International Class 25.

On April 5, 2019, Applicant filed, with Opposer's written consent, a motion to amend the opposed application to delete the goods in International Class 25.[2]

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[1] The USPTO records also indicate that notice of opposition fees were only paid for a single class of goods.

[2] Applicant's amendment does not indicate proof of service of a copy of the same on counsel for Opposer, as required by Trademark Rule 2.119. Strict compliance with Trademark Rule 2.119 is required for all future filings. A copy of the amendment can be viewed using TTABVUE at http://ttabvue.uspto.gov/ttabvue/v?pno=91244843&pty=OPP&eno=12.

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. In view of the foregoing, and because Opposer consents thereto, application Serial No. 87823399 stands **abandoned** with respect to Class 25. *See* Trademark Rule 2.135; TBMP § 602.01 (2018).

Accordingly, because the only opposed class in application Serial No. 87823399 stands abandoned, the opposition is **dismissed as moot**, and application Serial No. 87823399 will move forward to registration in connection with the goods and services in International Classes 9 and 41.

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