

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RA

September 3, 2021

Opposition No. 91270255

*Smith & Wesson Inc.*

*v.*

*Pelican Products, Inc.*

**M. Catherine Faint,  
Interlocutory Attorney:**

On August 4, 2021, Applicant filed a proposed amendment to its application Serial No. 90090335, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the application to delete the goods in International Class 13 in their entirety. Here, the Board notes that the opposition concerns only Class 13 of Applicant's application Serial No. 90090335.

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.

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto in writing, 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. In light of this order, Applicant's consented motion to extend time is denied as moot.

Proceedings are otherwise suspended.