

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
General Email: TTABInfo@uspto.gov

RK/ra

November 22, 2021

Opposition No. **91271750**

The North Face Apparel Corp.

v.

A7 Fitness Inc.

By the Trademark Trial and Appeal Board:

On October 19, 2021, Opposer filed Applicant's proposed amendment to **Application Serial No. 90208222** and Opposer's withdrawal of the opposition, contingent upon entry of the amendment. The written consent of each party is noted.

By the proposed amendment, Applicant seeks to delete the goods in International Classes 10 and 25 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, *see* TBMP § 602.01 (2021), which provides as follows:

¹ The goods in International Class 28, which are also opposed, remains unchanged.

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.

As Opposer has provided its written consent thereto, **Application Serial No. 90208222 stands abandoned as to the opposed goods in International Classes 10 and 25.** The contingency in Opposer's withdrawal having now been met, the opposition is hereby **DISMISSED** in accordance with the agreement between the parties and **the involved application will proceed to registration under International Class 28 only.**

* * *