

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](mailto:TTABInfo@uspto.gov)

ky/RSC

February 23, 2023

Opposition No. 91279877

*Pentec Health, Inc.*

*v.*

*Medmix Switzerland AG*

**Rebecca Stempien Coyle, Interlocutory Attorney:**

On February 7, 2023, Applicant re-filed a proposed amendment to its application Serial No. 90534313, with Opposer's written consent.

By the proposed amendment, Applicant seeks to delete International Class 5 in its entirety from the application.

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* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") § 602.01 (2022).

In view of the foregoing, and because Opposer's written consent to the abandonment of International Class 5 is of record, application Serial No. 90534313

stands **abandoned** with respect to **International Class 5 only**.<sup>1</sup> *See* Trademark Rules 2.133(a) and 2.135; TBMP § 602.01.

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.

---

<sup>1</sup> Unopposed International Classes 42 and 45 remain unchanged. The Board accepted the proposed amendment to opposed International Class 10 on January 31, 2023. (9 TTABVUE).