

UNITED STATES PATENT AND TRADEMARK OFFICE  
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LH/SWF

December 28, 2023

Opposition No. 91287897

*TBWA Worldwide Inc.*

*v.*

*Steampunk, Inc.*

**By the Trademark Trial and Appeal Board:**

On December 19, 2023, Opposer filed the parties' stipulated proposed amendment to Applicant's application Serial No. 97420980 and Opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to delete all of the services in opposed International Class 35 in its entirety.

In an opposition to any application having multiple classes, if the applicant files a request to amend the application to delete an opposed class in its entirety, as is the case here, 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, 605.03(b) (2023).

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In view of the foregoing and Opposer's written consent thereto, application Serial No. 97420980 stands **ABANDONED** as to International Class 35.<sup>1</sup>

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice in accordance with the agreement between the parties.

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<sup>1</sup> The services in International Class 42 remain unchanged.