

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: November 27, 2002

Opposition No. 91151390

PACIFIC TELESIS GROUP

v.

SIMON, AKOS

Frances S. Wolfson, Interlocutory Attorney:

On September 3, 2002, the Board issued an order to applicant to show cause why default judgment should not be entered against him.

On September 27, 2002, applicant filed an abandonment of its application Serial No. 78/039658.¹

Applicant's abandonment fails to address the Board's show cause order. Accordingly, judgment by default is appropriate. Moreover, Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant. Opposer's written consent to the abandonment is not of record.

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.

For these reasons, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.²

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

