

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

Mailed: January 22, 2003

Opposition No. 91153543

LORRAINE LINDLEY, D/B/A RAIN
DEAR DESIGN

v.

HASBRO, INC.

Shirley Hassan, Paralegal Specialist

On November 4, 2002, opposer, by filing a timely notice of opposition, commenced opposition proceedings against application Serial No. 76234432. On July 30, 2002, applicant filed an express abandonment of application Serial No. 76234432.¹ A copy of the abandonment, filed July 30, 2002, was recently submitted via facsimile and associated with the file.

After the commencement of an opposition, the application being opposed may not be abandoned without the written consent of every adverse party to the proceeding; if an abandonment without the requisite consent is filed, judgment will be entered against the applicant. See Trademark Rule 2.135. However, an exception to this rule

¹A copy of applicant's abandonment filed July 30, 2002 is forwarded herewith to counsel for opposer. See Trademark Rule 2.119.

exists for those cases where the abandonment, without consent, is filed before the applicant has been notified of the commencement of the opposition. In such a case, the Board allows the applicant time to attempt to obtain the required consent. If such consent cannot be obtained, the applicant may withdraw the abandonment and defend the opposition; otherwise judgment is entered in accordance with Rule 2.135. See *In re First National Bank of Boston*, 199 USPQ 296 (TTAB 1978).

In view of the forgoing, applicant is allowed until **THIRTY DAYS** from the mailing date hereof to obtain, and file, opposer's written consent to the previously filed abandonment. If consent cannot be obtained, then applicant may withdraw the abandonment of the application and proceed to defend the opposition by filing an answer to the notice of opposition within **FORTY DAYS** of the mailing date of this order. If applicant fails to avail itself of either option, then judgment shall be entered in accordance with Rule 2.135.