

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Goodman

Mailed: May 6, 2005

Opposition No. 91154661

BFC BRANDS LLC AND
BRIDGESTONE/FIRESTONE NORTH
AMERICAN TIRE, LLC.¹

v.

ORTECK INTERNATIONAL, INC.

Before Seeherman, Chapman and Bucher, Administrative
Trademark Judges.

By the Board:

On December 10, 2004, applicant filed an abandonment with prejudice of its application Serial No. 76369339, referring therein to a "letter agreement" between the parties. On February 11, 2005 the Board issued an order that applicant provide a copy of the "letter agreement." In response, applicant provided a copy thereof. Opposer filed a communication with the Board arguing that the "letter agreement" does not constitute opposer's written consent under Trademark Rule 2.135 and that the opposition should be sustained.

¹ The notice of opposition included two opposers and the proper fees were paid. Therefore, the plaintiff portion of the caption of this proceeding is corrected to include BFS Brands LLC as a party plaintiff.

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In order to give effect to applicant's abandonment with prejudice of its application, judgment is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused.