

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

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Mailed: September 28, 2006

Opposition No. 91155015

SPENCER DISTRIBUTING L.P.
AND JERRY SPENCER L.P.

v.

RaceTrac Petroleum, Inc.

On September 1, 2006, applicant filed an abandonment of its application Serial No. 76202318 in response to the Board's show cause order dated August 2, 2006.¹

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.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

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

¹ Applicant's revocation and power of attorney filed September 1, 2006 is noted and made of record.