

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

LMS

Mailed: August 23, 2004

Opposition No. 91156831

Duramax, Inc.

v.

Dual-Lite Inc.

On May 7, 2004 the Board entered a notice of default for applicant's failure to file an answer. In response thereto, applicant informed the Board of its filing an express abandonment of the application on August 18, 2003. In light thereof, the order to show cause is hereby discharged.

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***