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

Baxley

Mailed: March 30, 2005

Opposition No. **91158324**

TALENT PLUS, INC. d/b/a
TALENT+

v.

MANPOWER INC.

By the Trademark Trial and Appeal Board:

On February 14, 2005, applicant filed an express abandonment of its application Serial No. 78144217 under Trademark Rule 2.68.[1]

However, the applicable rule is Trademark Rule 2.135, which 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 such applicant.

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[1] The Board notes that applicant filed its express abandonment electronically in the involved application file. The Board notes that, while the involved application is kept in the USPTO's Central Docket, the Board has jurisdiction over applications that are involved in pending opposition proceedings. See TBMP Section 212.01 (2d ed. rev. 2004). The Board further notes that the form of such abandonment, i.e., whether it was filed with or without opposer's written consent, determines whether judgment is entered against applicant in this proceeding. See Trademark Rule 2.135. Accordingly, applicant should have filed the express abandonment with the Board and should have served a copy of that express abandonment upon opposer. See Trademark Rule 2.119(a).

Accordingly, 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.