

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

CSG/kk

Mailed: November 28, 2006

Opposition No. 91160452

Jersey Mike's Franchise
Systems, Inc.

v.

MIKES RESTAURANTS INC. LES
RESTAURANTS MIKES INC.

On October 20, 2006, applicant filed an abandonment of its application Serial No. 76433515, without prejudice, and with opposer's written consent. The parties' also filed a stipulated motion to dismiss the opposition and the counterclaim¹.

In view thereof, application Serial No. 76433515 stands abandoned without prejudice, and the opposition and counterclaim are dismissed without prejudice. See Trademark Rule 2.135.²

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

¹ The Board wishes to note that the counterclaim fee was never charged when the counterclaim was filed on July 19, 2004. The Board regrets this error and the counterclaim fee has now been charged to applicant's deposit account.

² In view of the parties' settlement of the matter, the show cause order issued on October 5, 2005 is discharged.