

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

Mailed: July 23, 2005

Opposition No. 91160772

MONSTER CABLE PRODUCTS, INC

v.

Blake, Duane C.

Angela Campbell, Paralegal Specialist:

On June 7, 2005, applicant filed an abandonment of its application Serial No. 78197749 under Trademark Rule 2.68 with prejudice.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 the applicant.

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.

In view thereof, application Serial No. 78197749 stands abandoned, and the opposition is sustained.

Applicant has not informed the Board of its desire disposition of the counterclaim to cancel opposer's registration No. 1414284. Accordingly, applicant is allowed until thirty days from the mailing date of this order to so inform the Board, failing which, this proceeding will go forward on the counterclaim.

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