

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

Baxley/Coggins

Mailed: May 11, 2005

Opposition No. 91162025

SKYLARK SPORT MARKETING
CORPORATION

v.

CM MANAGEMENT, INC.

By the Trademark Trial and Appeal Board:

On January 31, 2005, applicant filed an abandonment of its application Serial No. 78265186 under Trademark Rule 2.68.

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.

Although applicant states that opposer consented to the abandonment, opposer's written consent to the abandonment is not of record.

Applicant is allowed until thirty days to provide opposer's written consent to the abandonment of the application. Failure to so provide will result in judgment being entered against applicant, the opposition being sustained, and refusal of registration to applicant.