

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

Mailed: June 4, 2007

Opposition No. 91164633

Opposition No. 91167053

WELLS FARGO & COMPANY

v.

Neteller Inc.

Frances S. Wolfson, Interlocutory Attorney:

Oppositions were filed in this consolidated proceeding against applicant's application Serial Nos. 78492560 and 78293550. On March 19, 2007, applicant filed an amendment to SN 78492560, which was granted. On May 10, 2007, applicant filed an amendment to SN 78293550, which is hereby granted.¹

On April 27, 2007, opposer filed a withdrawal of the opposition, without prejudice. The withdrawal was filed without applicant's written consent. Inasmuch as an answer has been filed in this case, opposer may not withdraw the

¹ The identification of services in the application is changed **from** "Financial and monetary services, namely electronic cash transfer services performed over the Internet, for consumers for transferring cash from their own bank accounts to their accounts held by the applicant used by them to purchase services and goods online" **to** "Financial services, namely electronic money transfers in connection with online gaming services, and electronic money issuance services in connection with online gaming services."

opposition without prejudice except with the written consent of applicant. See Trademark Rule 2.106(c).

Accordingly, the Board's order (dated May 1, 2007) is hereby vacated, and opposer is allowed until THIRTY DAYS from the mailing date of this order to file applicant's written consent to its withdrawal of the consolidated oppositions, failing which the oppositions will be dismissed with prejudice.²

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² While it is noted that opposer states that applicant consented to the withdrawal of the oppositions "by electronic mail on April 27, 2007," Trademark Rule 2.106(c) requires that written consent, signed by applicant or its authorized representative, be made of record.