

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

cv

Mailed: May 9, 2006

Opposition No. 91164847
Cancellation No. 92044429

Johnson & Johnson

v.

Conair Corporation

By the Trademark Trial and Appeal Board:

On April 28, 2006, defendant filed an abandonment of its application Serial No. 78284830 and a voluntary surrender of its Registration No. 2339177, both without plaintiff's written consent.¹

Trademark Rule 2.135 provides that if, in an opposition proceeding, the defendant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against defendant.

Trademark Rule 2.134(a) provides that if, in a cancellation proceeding, the defendant surrenders its involved registration under Section 7(e) without the written consent of

¹ Defendant's abandonment does not include proof of service of a copy thereof on plaintiff, as required by Trademark Rule 2.119(a). Plaintiff can obtain a copy of the abandonment online at <http://ttabvueint.uspto.gov/ttabvue/>.

every adverse party to the proceeding, judgment shall be entered against defendant.

Inasmuch as plaintiff's written consent is not of record, judgment is hereby entered against defendant in both of the above-captioned proceedings. The opposition is sustained, and registration of the mark in involved application Serial No. 78284830 is refused. The petition to cancel is granted, and Registration No. 2339177 will be cancelled in due course.