

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

DUNN

Mailed: December 2, 2006

Opposition No. 91168695

BellSouth Intellectual
Property Corporation

v.

David Shymatta

On November 26, 2006, applicant filed an abandonment of its application Serial No. 76619826.¹

Trademark Rule 2.135 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 applicant.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

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

¹ Applicant's withdrawal refers to an earlier October 25, 2006 withdrawal which has never been associated to the Board's proceeding file.