

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

Tdc

Mailed: May 12, 2009

Opposition No. 91169231

Barbara J. Schell M.D. PLLC

v.

SIMPSON, GRAHAM D.

**Tyrone Craven, Paralegal Specialist:**

On May 11, 2009, applicant filed an abandonment of its application Serial No. 76/619613 with prejudice, with an allegation of opposer's "consent".

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.

In view thereof, applicant is allowed **thirty days** from the mailing date of this order in which to submit opposer's written consent to the abandonment, failing which the opposition will be sustained and registration to applicant is refused.