

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

Baez

Mailed: April 17, 2007

Opposition No. 91169583

Inamed Corporation

v.

Medicis Aesthetics Holdings
Inc.

On March 30, 2007, applicant filed an abandonment of its application Serial No. 78456841 under Trademark Rule 2.68.¹

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.

Accordingly, 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.²

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

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.

² The Board notes that applicant's withdrawal of application erroneously identified Opposition No. 91172676 instead of Opposition No. 91169583.