

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

am

Mailed: April 3, 2007

Opposition No. 91169856

SmithKline Beecham PLC,  
Signal Investment &  
Management Co., and The  
Mentholatum Company (jointed  
as party plaintiffs)

v.

Bio Therapeutics, Inc.

On March 30, 2007, applicant filed an abandonment of its application Serial No. 78301767.<sup>1</sup>

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*

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<sup>1</sup> 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.

*and Appeal Board*