

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

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Mailed: September 22, 2008

Opposition No. 91170320

LoveSac Corporation

v.

MARKOS & WIDL, INC.

On September 9, 2008, applicant filed an abandonment of its application Serial No. 76633460 under Trademark Rule 2.68¹ and the parties' filed a stipulated withdrawal of the opposition with prejudice.

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not of record, judgment is hereby entered against applicant, registration to applicant is refused and the opposition is withdrawn with prejudice.

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.

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*By the Trademark Trial
and Appeal Board*