

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

MT

Mailed: November 8, 2008

Opposition No. 91171567

Dr. Pepper/Seven Up, Inc.

v.

EZAKI GLICO KABUSHIKI KAISHA

On October 29, 2008, applicant filed an abandonment of its application Serial No. 76636421.

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***