

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

JST/mc

Mailed: January 22, 2007

Opposition No. 91172439  
Cancellation No. 92046196

Wachovia Corporation

v.

Joel Lundberg and Barbara  
Lundberg

**OPPOSITION NO. 91172439/ EXPRESS ABANDONMENT**

On November 2, 2006, applicants filed an abandonment of their application Serial No. 78546259.

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 applicants, the opposition is sustained and registration to applicants is refused.

**CANCELLATION NO. 92046196/Surrender of Registration**

On November 2, 2006, respondents filed a voluntary surrender under Section 7(e) of the Trademark Act of their Registration No. 3096830.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondents, the petition to cancel is granted, and Registration No. **3096830** will be cancelled in due course.

Consequently, all outstanding matters in both proceedings are moot.

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