

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

JST/WINTER

Mailed: October 23, 2007

Opposition No. 91174116

Bausch & Lomb Incorporated

v.

Skin Food Pty Ltd.

On August 8, 2007, the Board issued an order allowing applicant thirty days to obtain opposer's written consent to applicant's effective abandonment of the goods in International Class 5, which resulted from applicant's motion (filed July 2, 2007) to amend the application to delete that class of goods. See Trademark Rule 2.135, 37 C.F.R. § 2.135; and TBMP § 602.01 (2d ed. rev. 2004). Applicant was advised that if opposer's consent was not obtained, judgment would be entered against applicant as to the Class 5 goods.

Inasmuch as no response to the Board's order has been received, judgment is hereby entered against applicant as to the goods identified in International Class 5. The opposition is accordingly sustained and registration to

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applicant is refused as to the goods in International Class 5.¹

*By the Trademark Trial
and Appeal Board*

¹ The application will proceed to registration in due course for the goods identified in International Class 3, which were not opposed.