

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

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Mailed: July 18, 2007

Opposition No. 91175915

Sirius Satellite Radio Inc.

v.

Victor N. Vic-Vincent and  
Steven J. Smith

The Board issued, on June 12, 2007, an order of default judgment against applicant, sustaining the opposition and refusing registration.

It has now come to the Board's attention that applicant had filed, on June 6, 2007, an abandonment of its application Serial No. 78827301.

In view thereof, the Board's order dated June 12, 2007 is hereby vacated and the following order issued:

On June 6, 2007, applicant filed an abandonment of its application Serial No. 78827301 under Trademark Rule 2.68 with prejudice.<sup>1</sup>

However, the applicable rule is Trademark Rule 2.135, which provides that if, in an inter partes proceeding, the applicant files

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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.

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

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