

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

tlcraven

Mailed: April 8, 2007

Opposition No. 91176141

Dallas Cowboys Football
Club, Inc., NFL Properties
LLC

v.

Wohlfahrt, Arlan Michael

On March 13, 2007, opposer filed a withdrawal of the above opposition without prejudice. Additionally, on March 8, 2007 applicant filed an abandonment of its application serial number 78792639.¹ Because of the close proximity of the parties' filings, the Board presumes that the separate filings are intended to settle this case. However, it is noted that applicant's abandonment is without opposer's written consent.

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.

¹Both opposer's withdrawal and applicant's abandonment failed to provide proof of service as required by Trademark Rule 2.119(a). Each party is reminded of its obligation to send a service copy of any paper filed herein to the adverse party, and to include proof of service when the paper is filed with the Board. To expedite matters, a copy of the stipulation for dismissal and the abandonment of application are included with this order.

In view thereof, application 78792639 is abandoned with prejudice and the opposition is dismissed without prejudice.

*By the Trademark Trial
and Appeal Board*