

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

Baxley

Mailed: September 3, 2008

Opposition No. 91185203

Apple Inc.

v.

Touch Food, S.L.

**Andrew P. Baxley, Interlocutory Attorney:**

On August 28, 2008, applicant filed an abandonment of its involved application Serial No. 79043006.

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.

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.<sup>1</sup>

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<sup>1</sup> Applicant's consented motion (filed August 27, 2008) to extend its time to answer is moot.