

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

tlc/Lykos

Mailed: November 12, 2009

Opposition No. 91185637

Montblanc-Simplo GmbH

v.

United Brands International,
Inc.

On September 29, 2009, the Board issued an order allowing opposer until twenty days to inform the Board whether it wishes to go forward on its likelihood of confusion and dilution claims; if opposer fails to so advise the Board, or advises the Board that it does not wish to go forward with either of those claims, the opposition would be sustained as to the claim that applicant lacked a *bona fide* intent to use its mark in commerce and will be dismissed as to the Section 2(d) and dilution claims.

In response, on October 14, 2009, opposer requested that the likelihood of confusion and dilution claims be dismissed without prejudice as moot.

In view thereof, the summary judgment remain as granted; the opposition is hereby sustained as to the claim

that applicant lacked a *bona fide* intent to use its mark in commerce and dismissed without prejudice as to the Section 2(d) and dilution claims.

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