

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

Winter/am

Mailed: August 4, 2009

Opposition No. 91185698

Yakira, LLC

v.

TAA APPAREL INC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On May 1, 2009, applicant filed a withdrawal of its application Serial No. 77298884. The Board notes that on April 30, 2009, opposer filed its written consent to said withdrawal.¹ In view thereof, application Serial No. 77298884 stands abandoned. See Trademark Rule 2.135.

In regard to opposer's withdrawal, Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant. An answer has been

¹ The Board notes that opposer failed to provide proof of service of its withdrawal of the opposition upon applicant as required by Trademark Rule 2.119. However, inasmuch as withdrawal of the proceeding appears to be in accordance with settlement of this matter, and to expedite matters, a copy of opposer's submission will be forwarded to applicant along with this order. **Strict compliance with the Trademark Rules is expected in future submissions to the Board.**

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filed in this proceeding and the Board notes that applicant's written consent to the withdrawal of this proceeding is not of record.

Nonetheless, inasmuch as it appears that the parties have settled this matter, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to provide applicant's written consent to the withdrawal of this opposition proceeding, failing which this proceeding will be dismissed *with prejudice*.

This proceeding is otherwise SUSPENDED.

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