

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

Jh/Faint

Mailed: May 28, 2009

Opposition No. 91186018

In-N-Out Burgers

v.

Brian Quaglia and Sandra
Quaglia

On May 21, 2009, applicant filed an abandonment of its application Serial No. 76687302 with prejudice.

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.

In view thereof, and 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.¹

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

¹ Opposer's motion for summary judgment filed April 28, 2009 is hereby deemed moot.