

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

dmd

Mailed: August 18, 2011

Opposition No. 91188913

Brandbase USA, Inc.

v.

Nomis Sports AG

**Denise M. DelGizzi,
Technical Program Manager**

On October 8, 2010, the Board entered judgment against applicant in Opposition No. 91188913, refusing registration to applicant of the mark in application Serial No. 79010370 --the same application at issue herein-- for applicant's failure to respond to opposer's motion for sanctions. Accordingly, the application, which is also involved in this opposition, now stands abandoned.

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. Inasmuch as applicant failed to respond to the motion for sanctions in Opposition No. 91188913, judgment was entered

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against applicant therein, and Serial No. 79010370 was consequently abandoned. In view thereof, applicant is allowed **THIRTY DAYS** from the mailing date of this order in which to show cause why judgment should not be entered herein against applicant for permitting abandonment of the involved application in a different opposition proceeding without the consent of the opposer herein. If applicant files no response, the Board will enter judgment against applicant based on applicant's apparent loss of interest.

Proceedings remain suspended pending a response from applicant.