

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

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Mailed: September 16, 2009

Opposition No. 91189722

Jimlar Corporation d/b/a The
Frye Company

v.

Fry's Electronics, Inc.

On September 9, 2009, applicant filed an abandonment of its application Serial No. 78962182 under Trademark Rule 2.68.¹

However, the applicable rule is Trademark Rule 2.135, which 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 the applicant.

Accordingly, because opposer's written consent to the abandonment is not of record, judgment is hereby entered

¹ Applicant's amended certificate of service filed September 16, 2009 is noted and made of record.

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against applicant, the opposition is sustained and
registration to applicant is refused.

*By the Trademark Trial
and Appeal Board*