

**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 14, 2009

Opposition No. 91190098

WPT Enterprises, Inc.

v.

John J. Altobello Jr.

In response to the Board's show cause order, on July 17, 2009, applicant filed a submission that the Board is construing as an affirmative request for abandonment of its application Serial No. 77528872, without opposer's written consent.<sup>1</sup>

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.

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<sup>1</sup> Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark

*By the Trademark Trial  
and Appeal Board*

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Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.