

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

RK

Mailed: January 17, 2012

Opposition No. 91190745

The New York State Catholic
Health Plan, Inc. d/b/a
Fidelis Care New York

v.

US Fidelis, Inc.

On November 23, 2011, applicant filed an abandonment of its application Serial No. 77658398 without opposer's written consent.¹

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

¹ Opposer's change of correspondence (filed September 28, 2011) is noted and made of record. Applicant's appointment of new counsel and change of correspondence (filed November 14, 2011) are also noted and made of record.

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against applicant, the opposition is sustained and registration to applicant is refused.²

*By the Trademark Trial
and Appeal Board*

² In view thereof, opposer's motion (filed September 28, 2011) for the continued suspension of this proceeding is **MOOT** and will be given no further consideration.