

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

gcp

Mailed: January 17, 2012

Opposition No. 91191016

Intellectual Reserve, Inc.

v.

Kendal M. Sheets

By the Trademark Trial and Appeal Board:

On January 11, 2012, applicant/counterclaim plaintiff filed an abandonment of its application Serial No. 77337325, with an allegation of opposer/counterclaim defendant's consent. By the same filing, applicant/counterclaim plaintiff also withdrew his asserted counterclaims 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/counterclaim defendant's written consent to the abandonment is not of record, judgment is hereby entered against applicant/counterclaim plaintiff, the opposition is sustained and registration to applicant is refused. Further,

applicant/counterclaim plaintiff's asserted counterclaims are hereby dismissed with prejudice.¹

¹ At the initiation of this proceeding, opposer pleaded ownership of its pending application for the mark MORMON.ORG, i.e., application serial No. 77179068. This application matured into a registration during the course of this proceeding, namely, Registration No. 3715744. Although applicant/counterclaim plaintiff never amended his asserted counterclaim to seek cancellation of this registration, the Board notes that applicant/counterclaim plaintiff's withdrawal of his asserted counterclaims with prejudice encompasses any potential counterclaim against this aforementioned registration.