

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

vb

Mailed: December 27, 2010

Opposition No. 91194355

Virgin Enterprises Limited

v.

Barbara T. Gingell Farris  
dba 40 Below Ink<sup>1</sup>

On December 22, 2010, applicant filed an express abandonment of its application Serial No. 77777579.<sup>2</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.

***By the Trademark Trial  
and Appeal Board***

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<sup>1</sup>The Board corrects applicant's party name to "Barbara T. Gingell Farris dba 40 Below Ink".

<sup>2</sup> Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.