

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

tlc

Mailed: March 2, 2011

Opposition No. 91194523

OMS Investments, Inc.

v.

DJL Labs, Inc.

Opposer's revocation and power of attorney filed February 17, 2011 is noted and made of record. On February 17, 2011, applicant filed an abandonment of its application with prejudice Serial No. 77782216 under Trademark Rule 2.68.

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

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