

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

vw

Mailed: February 22, 2011

Opposition No. 91197309

Dr Pepper/Seven Up, Inc.

v.

Norm Pomeranz and
Brian L. Ross dba
Brinorman Enterprises

On February 18, 2011, applicants' filed an abandonment of their application Serial No. 77304667.¹

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

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

¹ Applicants' 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.