

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

mc

Mailed: June 29, 2011

Opposition No. 91198690

NURU (Thailand) Co., Ltd.

v.

CARIEL COHEN

**Denise M. DelGizzi,  
Technical Program Manager**

On March 8, 2011, the Board sustained the opposition against applicant in Opposition No. 91197576, refusing registration to applicant of the mark in application Serial No. 85113869 in Class 3 only.<sup>1</sup>

Accordingly, that application, which is also involved in this opposition now stand abandoned in class 3. See Trademark Rule 2.136, 37 C.F.R. § 2.136; and *Forest Laboratories Inc. v. G.D. Searle & Co.*, 52 USPQ2d 1058, 1060 n.3 (TTAB 1999) (if opposition is sustained, application is deemed abandoned). See also TBMP § 807 (3d ed. 2011). While the entry of judgment in the other opposition and resulting abandonment of the application does not dictate that judgment automatically be entered in this case, the application shall remain abandoned in class 3.

Opposition No. 91198690

Nonetheless, opposer in this proceeding is allowed until **THIRTY** **DAYS** from the mailing date of this order to inform the Board whether it wishes to go forward and obtain a judgment on the subject opposition. If opposer fails to respond to this order, the opposition will be dismissed as moot. This proceeding is SUSPENDED.

---

<sup>1</sup> Opposition No. 91197576 pertained to Class 3 only. The goods/services in Class 5 remain unchanged and are involved in Opposition No. 91198691.