

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

GCP

Mailed: January 9, 2014

Opposition No. 91199922

Christopher A McGrath

v.

Nike, Inc.

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

Applicant's involved application Serial No. 85053714 is also subject to a related Board proceeding, namely, Opposition No. 91202358. On January 3, 2014, applicant filed an abandonment of its involved application Serial No. 85053714 in Opposition No. 91202358 with the written consent of the opposer in that case.

A voluntary abandonment of an application must be made with the written consent of all opposers, or judgment will be entered for each opposer who has not consented to the abandonment. See Trademark Rule 2.135. Furthermore, when an application that is subject of multiple oppositions is voluntarily abandoned, as is the case here, each opposition will necessarily be sustained or dismissed, depending on whether the opposer has consented to the abandonment. *See New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1551 n. 3 (TTAB 2011).

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In view thereof, and because the opposer in this proceeding has not provided his written consent to the abandonment, judgment is hereby entered against applicant in this case, this opposition is sustained and registration to applicant is refused.<sup>1</sup>

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<sup>1</sup> Because the opposer in Opposition No. 91202358 has provided its written consent to applicant's abandonment, the Board has issued an appropriate order in that case abandoning applicant's application and dismissing that opposition without prejudice.