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

MT

Mailed: October 3, 2013

Opposition No. 91201860

Soft Serve, Inc. dba Sprinkles

v.

Sprinkles Inc.

Robert H. Coggins,
Interlocutory Attorney:

On February 1, 2013, applicant filed an express abandonment in Opposition No. 91199397 of subject application Serial No. 85148734 (which is the subject of Opposition Nos. 91199397 and 91201860[1]). Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the applicant files an abandonment of the application without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. In view thereof, and because applicant did not submit the written consent of the opposer in Opposition No. 91201860 to the abandonment of the subject application, applicant is

[1] Pursuant to the Board's November 17, 2011 order in Opposition No. 91201860, Opposition No. 91201860 was suspended pending final determination of Opposition No. 91199397.

allowed until **thirty days** from the mailing date of this order in which to show cause why judgment should not be entered against it in Opposition No. 91201860 for its failure to provide the written consent of the opposer[2] in Opposition No. 91201860. *See New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1551 n.3 (TTAB 2011)("When an application that is the subject of multiple oppositions is voluntarily abandoned, each opposition will necessarily be sustained or dismissed, depending on whether the opposer has consented to the abandonment."). *See also* TBMP § 602.01 (3d ed. rev.2 2013).

[2] It is noted that the opposer in Opposition No. 91201860 has neither appointed new counsel nor filed a paper stating that opposer chooses to represent itself. *See* Board order dated July 23, 2013 in Opposition No. 91201860.