

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

nmt

Mailed: June 25, 2012

Opposition No. 91204181

Roots Canada Ltd.

v.

Gustavo Luna

On May 29, 2012, opposer was allowed thirty days to inform the Board whether it wished to go forward and obtain a judgment in this proceeding, in view of applicant's abandonment of Serial No. 85353128, and subsequent judgment against applicant in Opposition no. 91203273 on April 18, 2012.

On June 15, 2012, opposer filed a response with the Board requesting the Board enter judgment on the grounds that applicant has abandoned its application Serial No. 85353128 without the consent of opposer.

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.

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In view thereof, and 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***