

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

DMD/emy

Mailed: December 9, 2014

Opposition No. 91209206

SeaWorld (by assignment from  
SeaWorld Entities<sup>1</sup>, by assignment  
from Spiraledge, Inc.)

v.

Premium Sales Network, LLC

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

Opposer's motion (filed October 3, 2014) to substitute SeaWorld for Spiraledge, Inc. as party plaintiff in this proceeding based on an assignment of opposer's relied upon Registration No. 4077618.

The assignment from Spiraledge, Inc., to SeaWorld, SeaWorld Entertainment, Inc., SeaWorld Parks and Entertainment, Inc., and Sea World, LLC (collectively, the "SeaWorld Entities") was recorded with the Assignment Branch of the Office on August 21, 2014 at Reel/Frame 5351/0022, and subsequently from SeaWorld Entities to Sea World on September 15, 2014 at Reel/Frame 5363/0534

When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may

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<sup>1</sup> SeaWorld Entities consists of SeaWorld, SeaWorld Entertainment, Inc., SeaWorld Parks and Entertainment, Inc., and Sea World, LLC.

be joined or substituted, as may be appropriate. The assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the opposing party raises no objections to substitution. *See* TBMP § 512.01 (2013). Inasmuch as applicant did not file a brief in opposition to opposer's motion to substitute, the motion is granted. *See* Trademark Rule 2.127(a). Accordingly, SeaWorld is hereby substituted as party plaintiff for Spiraledge, Inc. in this proceeding.

On November 13, 2014, applicant filed an abandonment of its application Serial No. 85616734.

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 entered against applicant, the opposition is sustained and registration to applicant is refused.