

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

Mailed: May 20, 2014

Opposition No. 91212074

Pepsico, Inc.

v.

Dynamic Mouth Devices LLC

Nicole Thier, Paralegal Specialist:

On May 16, 2014, applicant filed an abandonment of its application Serial No. 85555012 with prejudice with an allegation of opposer's consent.

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, applicant is allowed until thirty days from the mailing date of this order in which to submit opposer's written consent. Failing which judgment will be entered against applicant.