

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

dmd

Mailed: March 2, 2014

Opposition No. 91212801

Pepsico Inc.

v.

Nutritional Science
Solutions ltd

On February 25, 2014, applicant filed a corrected abandonment of its application Serial No. 85548096 with prejudice.¹

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

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

¹ Applicant's corrected abandonment of its application supersedes the "prior" abandonment (also filed on February 25, 2013). The "prior" abandonment will not be given any consideration.