

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

Mailed: April 19, 2014

Opposition No. 91212801

Pepsico Inc.

v.

Nutritional Science Solutions ltd

By the Trademark Trial and Appeal Board:

On March 2, 2014, the Board abandoned application Serial No. 85548096 with prejudice and sustained the opposition under Trademark Rule 2.135. On March 10, 2013, applicant filed a correction of the previously filed abandonment without the written 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.

In view thereof, and because opposer's written consent to the abandonment is not of record, but applicant alleges consent, applicant is allowed until THIRTY DAYS from the mailing date of this order in which to submit opposer's written consent to the abandonment, failing which the Board's March 2, 2014, and the correction order issued thereafter, will stand.