

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 12, 2014

Opposition No. 91213383

Universal Protein Supplements
Corporation

v.

Allmax Nutrition Inc.

Veronica P. White, Paralegal Specialist:

On April 24, 2014, applicant filed an abandonment of its application Serial No. 85925414 under Trademark Rule 2.68 pursuant to the parties' settlement agreement.

However, the applicable rule is Trademark Rule 2.135, which 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.

Because applicant's abandonment was submitted "as a result of the settlement agreement," which implies that the abandonment was submitted with opposer's consent thereto, applicant is allowed until **TWENTY (20) DAYS** from the mailing date of this order to provide opposer's written consent to the abandonment or a copy

Opposition No. 91213383

of the parties' settlement agreement,¹ which evidences opposer's consent to the abandonment, failing which judgment will be entered against applicant, the opposition sustained and registration refused.

¹ Applicant may submit a redacted copy of the parties' agreement, as appropriate.