

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

ey/dmd

Mailed: October 26, 2016

Opposition Nos.    **91215208 (parent)**  
                          **91215212**  
                          **91215216**  
                          **91215246**  
                          **91215247**  
                          **91215415**

*LVG, LLC*

*v.*

*Empire Resorts, Inc.*

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

On October 14, 2016, Applicant filed an abandonment of its application Serial Nos. 85737435, 85736924, 85734289, 85736471, 85734672, and 85733861 without prejudice, and with Opposer's written consent.

**Application Serial Nos. 85737435, 85736924, 85734289, 85736471, and 85733861**

In view thereof, application Serial Nos. 85737435, 85736924, 85734289, 85736471, and 85733861 stand abandoned without prejudice.

**Application Serial No. 85734672**

Application Serial No. 85734672 is the subject of above-captioned Opposition No. 91215247 as well as Opposition No. 91215187.

If an applicant files an abandonment in one opposition, the applicant is usually allowed time to inform the Board whether the abandonment is with or without the consent of the remaining opposers. TBMP § 602.01.

The record herein does not include the consent of Opposer in Opposition No. 91215187.

In view thereof, Applicant is allowed until TWENTY DAYS from the mailing date of this order in which to 1) file the written consent to the abandonment of application Serial No. 85734672 without prejudice of Opposer in Opposition No. 91215187, and 2) to inform the Board how the parties wish to dispose of the proceeding. If no response is filed during the time allowed, judgment will be entered against applicant and the opposition will be sustained and registration will be refused with regard to application Serial No. 85734672. *See* Trademark Rule 2.135. With regard to application Serial Nos. 85737435, 85736924, 85734289, 85736471, and 85733861, the applications will stand abandoned, and the opposition will be dismissed.