

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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JMW

Mailed: November 10, 2015

Opposition No. 91218468

Whole Foods Market IP, L.P.

v.

Ali Baba Holdings, LLC

By the Trademark Trial and Appeal Board:

On November 9, 2015, Applicant filed an abandonment of its application Serial No. 86087817, with prejudice under Trademark Rule 2.68.¹

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 the Applicant.

Accordingly, because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, with prejudice, the opposition is sustained and registration to Applicant is refused.

¹ Opposer's consented motion filed October 29, 2015 is noted and will receive no consideration in view of Applicant's current filing.