

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

VV

Mailed: June 29, 2016

Opposition No. 91220734 (Parent)
Opposition No. 91221542

*John Zidian Co., Inc. and Zidian
Import, Inc.*

v.

GIA S.r.l.

By the Trademark Trial and Appeal Board:

On June 29, 2016, Applicant/Counterclaim Plaintiff filed a combined abandonment of its application Serial Nos. 79144096, 86432930 and withdrawal of its counterclaim asserted against Opposer's pleaded registration in Opposition No. 91221542. The combined abandonment and withdrawal was filed without the written consent of Opposer/Counterclaim Defendant.

Withdrawal of the Counterclaim in Opposition No. 91221542

After an answer is filed, the counterclaim may not be withdrawn without prejudice except with the written consent of the counterclaim defendant. *See* Trademark Rules 2.114(c) and 2.106(b)(2)(iii).

In view thereof, and because the withdrawal was filed after answer, the counterclaim is dismissed with prejudice.

Abandonment of the Applications Serial No. 79144096 & 86432930

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/Counterclaim Defendant's written consent to the abandonment is not of record, judgment is entered against Applicant/Counterclaim Plaintiff, the above-captioned opposition proceedings are **SUSTAINED** and registrations to Applicant/Counterclaim Plaintiff are refused.