

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

nmt

Mailed: July 18, 2016

Opposition No. 91218576
(Parent case)
Opposition No. 91222903

Franciscan Vineyards, Inc.

v.

Davis Estates, LLC

By the Trademark Trial and Appeal Board:

On July 15, 2016, Applicant filed an abandonment of its application Serial Nos. 86056936 and 86240115 with prejudice and withdrawal of its counterclaim against Registration Nos. 2888963 and 3134833 without prejudice.

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 no answer to the counterclaim has been filed, the counterclaim is dismissed without prejudice and judgment is hereby entered against Applicant with respect to the consolidated opposition. The consolidated opposition is sustained and registration to Applicant refused.