

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: April 15, 2016

Opposition No. 91222962

Heart of Success, Inc.

v.

Angel Quintana

George C. Pologeorgis,
Administrative Trademark Judge:

On February 1, 2016, Opposer filed a withdrawal of the opposition without Applicant's written consent and a copy of the parties' executed co-existence agreement.¹

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant. It is unclear from the co-existence agreement whether Applicant consents to the withdrawal of the opposition with or without prejudice.

In view thereof, Opposer is allowed until **April 25, 2016** in which to submit Applicant's written consent to the withdrawal, failing which the opposition will be dismissed with prejudice.

¹ While the parties filed a copy of their co-existence, the Board prefers a stipulation signed by both parties stating the desired disposition of the proceeding (e.g., "It is hereby stipulated that the opposition be dismissed without prejudice," or "It is hereby stipulated that the opposition be dismissed with prejudice."). See TBMP § 605.03(a) (2015).

Proceedings are otherwise suspended pending a response to this order.²

² Applicant's change of correspondence address filed on March 25, 2016 is noted. Board records have been updated accordingly.