

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: August 5, 2015

Opposition No. 91223125  
Serial No. 86436953

SoulCycle, Inc.

v.

INTERZAN LLC

**Amy Matelski, Paralegal Specialist:**

On July 29, 2015, Opposer, by filing a timely notice of opposition, commenced proceedings against the registration sought in Application Serial No. 86436953. On July 30, 2015 Applicant filed an express abandonment of its application Serial No. 86436953.

After the commencement of an opposition, the application being opposed may not be abandoned without the written consent of the Opposer. If an abandonment without the requisite consent is filed, judgment will be entered against the Applicant. See Trademark Rule 2.135.

An exception to this rule exists for those cases where abandonment (without consent) is filed before the Applicant has been notified by the Board of the commencement of the proceeding. In such a case, the Board allows the Applicant

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time to attempt to obtain the required consent. If such consent cannot be obtained, the Applicant may withdraw the abandonment and defend the opposition; otherwise, judgment is entered in accordance with Trademark Rule 2.135.

In view of the foregoing, the abandonment of Serial No. 86436953 is hereby vacated, Applicant is allowed until **thirty days** from the mailing date hereof to obtain and file with the Board Opposer's written consent to the previously filed abandonment. See *In re First National Bank of Boston*, 199 USPQ 296 (TTAB 1978). If consent cannot be obtained, then Applicant may withdraw the abandonment of the application and proceed to defend the opposition within **forty days** of the mailing date of this order.<sup>[1]</sup> If applicant does not avail itself of either option, then judgment will be entered in accordance with Trademark Rule 2.135.

cc:

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<sup>[1]</sup> If Applicant opts to go forward in this matter, proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37 part two of the Code of Federal Regulations and discovery and trial dates will be set.