

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

vw

Mailed: June 6, 2016

Opposition No. 91227690

*Maryan Trademark GmbH*

*v.*

*Vix Swimwear, Inc.*

**By the Trademark Trial and Appeal Board:**

Opposer's communication (filed May 4, 2016) is noted.

It has come to the Board's attention that Applicant filed a notice of abandonment on May 3, 2016 of the involved application Serial No. 86674309. The Board was not aware of the filing of the abandonment at the time this opposition was instituted.

Inasmuch as the notice of abandonment was filed the day before the notice of opposition, the application was no longer subject to opposition. See TBMP 218.

Accordingly, application Serial No. 86674309 stands abandoned and the opposition is dismissed as a nullity.<sup>1</sup>

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<sup>1</sup> The notice of opposition will be forwarded to the Refund Division for the consideration of a refund of the fee paid. Additionally, appearance of counsel on behalf of Applicant (filed May 3, 2016) is noted. Board records have been updated accordingly.