

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: June 16, 2016

Opposition No. 91228381

Stuller, Inc.

v.

Gabriel Bros, Inc. DBA Gabriel & Co.

Nicole Thier, Paralegal Specialist:

It has come to the Board's attention that Applicant filed a notice of abandonment on June 9, 2016 of the involved application Serial No. 86684506.¹ 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 before the notice of opposition, the application was no longer subject to opposition. *See* TBMP 218.

Accordingly, application Serial No. 85810650 stands abandoned and the opposition is dismissed as a nullity.²

¹ Applicant's abandonment fails to indicate proof of service on Opposer as required by Trademark Rule 2.119. In order to expedite this matter, Opposer is referred to <http://ttabvue.uspto.gov/ttabvue/v?pno=91213883&pty=OPP&eno=4> to view a copy of the filing.

² The notice of opposition will be forwarded to the Refund Division for the consideration of a refund of the fee paid.