

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Mailed: April 29, 2003

Opposition No. 91122837

NEW BALANCE ATHLETIC SHOE,
INC.

v.

H. JOHN CAMPAIGN

David Mermelstein, Attorney:

On April 3, 2003, applicant filed an abandonment of its application Serial No. 76/024,587 and withdrew its counterclaim Registration Nos. 664,453 and 1,251,718.

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 opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and the counterclaims are dismissed.

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