

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

AZ/kk

Mailed: August 25, 2003

Opposition No. 123,812

DIMC, INC.

v.

GEBR, OBERMAIER OHG

Albert Zervas, Interlocutory Attorney

On July 22, 2003, the Board entered default judgment in this proceeding in view of applicant's failure to respond to a notice of default.

Several days later on July 28, 2003, applicant filed a withdrawal of it's application "without prejudice," with an allegation of applicant's "consent."

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the **written** consent of applicant.

In view thereof, applicant is allowed **thirty days** from the mailing date of this order to file opposer's written consent to the withdrawal of its application, failing which the Board will not further act on applicant's withdrawal and

the Board's order of July 22, 2003 will remain as the final order in this proceeding. (If applicant files the written consent within the time period allowed above, the Board will vacate the Board's July 22, 2003 order entering default judgment.)