

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

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Mailed: June 24, 2003

Opposition No. 151,559

M2 Software, Inc.

v.

M2 SYSTEMS, INC.

**Thomas W. Wellington**  
**Interlocutory Attorney,**  
**Trademark Trial and Appeal Board:**

On April 7, 2003, applicant filed an abandonment of its application Serial No. 75/239,162 under Trademark Rule 2.68.

However, the applicable rule is Trademark Rule 2.135, which 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 the applicant.

Accordingly, because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

Opposer's summary judgment motion is moot.