

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

Ricks

Mailed: April 14, 2003

Opposition No. 91152891

HAGGERTY ENTERPRISES, INC¹

v.

ROSE ART INDUSTRIES, INC.

On February 7, 2003, applicant filed an abandonment of its application Serial No. 76/335,477 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.

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

¹ Opposer's motion for default judgment filed March 13, 2003 is noted and granted to the extent indicated above.